

**1SUPPORTING STATEMENT FOR  
EPA INFORMATION COLLECTION REQUEST NUMBER  
[1360.13]  
“UNDERGROUND STORAGE TANKS: TECHNICAL AND FINANCIAL  
REQUIREMENTS, AND STATE PROGRAM APPROVAL PROCEDURES”**

**August 28, 2014**

***ICR SUPPORTING STATEMENT***

## TABLE OF CONTENTS

1.	IDENTIFICATION OF THE INFORMATION COLLECTION.....	2
1(a)	Title and Number of the Information Collection.....	2
1(b)	Short Characterization.....	3
2.	NEED FOR AND USE OF THE COLLECTION.....	4
2(a)	Need and Authority for the Collection.....	4
2(b)	Practical Utility and Users of the Data.....	7
3.	NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA...8	8
3(a)	Nonduplication.....	8
3(b)	Public Notice.....	8
3(c)	Consultations.....	8
3(d)	Effects of Less Frequent Collection.....	10
3(e)	General Guidelines.....	10
3(f)	Confidentiality.....	10
3(g)	Sensitive Questions.....	11
4.	THE RESPONDENTS AND THE INFORMATION REQUESTED.....	12
4(a)	Respondents and NAICS Codes.....	12
4(b)	Information Requested.....	14
5.	THE INFORMATION COLLECTED – AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT.....	43
5(a)	Agency Activities.....	44
5(b)	Collection Methodology and Management.....	45
5(c)	Small Entity Flexibility.....	45
5(d)	Collection Schedule.....	45
6.	ESTIMATING THE BURDEN AND COST OF THE COLLECTION.....	46
6(a)	Estimating Respondent Burden.....	46
6(b)	Estimating Respondent Costs.....	47
6(c)	Estimating Agency Burden and Cost.....	49
6(d)	Estimating the Respondent Universe and Total Burden and Costs.....	50
6(e)	Bottom Line Burden Hours and Cost.....	72
6(f)	Reasons for Change in Burden.....	73
6(g)	Burden Statement.....	74

## 1. IDENTIFICATION OF THE INFORMATION COLLECTION

### ***1(a) Title and Number of the Information Collection***

Information Collection Request for Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal), EPA ICR Number 1360.13, OMB No. 2050-0068

This ICR also includes the addition of the “Underground Storage Tank: Information Request Letter, Pacific Southwest Region (Region IX)”, EPA ICR Number 2405.01, OMB Number 2009-

0002 program. This ICR was initially approved by OMB on 8/19/2011 and was transferred to this ICR package via a change worksheet prior to this renewal. At the end of each section of this ICR, the information pertaining to the Region IX program has been added.

### **1(b) Short Characterization**

The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), requires the U.S. Environmental Protection Agency (EPA) to develop standards for underground storage tank systems (USTs), as may be necessary, to protect human health and the environment, and procedures for approving state programs in lieu of the federal program. Sections 9002, 9003, and 9004 of RCRA specify statutory requirements for new and existing tanks. Subtitle I directs EPA to develop performance standards covering:

- Program scope and interim prohibition.
- UST systems: design, construction, installation, and notification.
- General operating requirements.
- Release detection.
- Release reporting, investigation, and confirmation.
- Release response and corrective action for UST systems containing petroleum or hazardous substances.
- Out-of-service UST systems and closure.
- Financial responsibility.

EPA promulgated technical and financial responsibility requirements for owners and operators of USTs in Title 40 of the Code of Federal Regulations (40 CFR) Part 280.

Under the authority of section 9004 of RCRA, EPA developed procedures for states to use when applying for approval to implement a state program in lieu of the federal program. The following subparts contain information collection requirements:

- Components of a program application (Subpart B);
- Adequate enforcement of compliance (Subpart D);
- Approval procedures (Subpart E); and
- Withdrawal of approval of state programs (Subpart F).

EPA promulgated state program approval procedures in 40 CFR Part 281.

This ICR is a comprehensive presentation of all information collection requirements contained at 40 CFR Parts 280 and 281. Sections 1 through 5 of the ICR describe the information collection requirements (e.g., in regard to need and use of the information collected). Section 6 estimates the annual hour and cost burden to respondents and the Agency under these requirements. The ICR presents all 40 CFR Part 280 requirements under the heading “Technical and Financial Responsibility Requirements” and all 40 CFR Part 281 requirements under the heading “State Program Approval Procedures.”

The type of information to be collected as part of the Part 280 “Technical and Financial Responsibility Requirements” include notification forms for new USTs, monitoring records, reports on releases and corrective actions taken in response to an UST release. The collected information also include reports related to requirements for the closure of tanks, and documents related to the financial ability of owners and operators of USTs to remediate or pay for damages resulting from releases. Owners and operators of USTs collect this information, retain it on site, and submit it to EPA or the state implementing agency if requested. The owners and operators of UST systems and/or EPA or the implementing agency use the information to monitor results of testing, inspections, and operation of UST systems, as well as to demonstrate compliance with regulations. States seeking to implement their own UST programs in lieu of the federal program under Part 281 “State Program Approval Procedures” must provide EPA with a range of documents demonstrating that their programs are no less stringent than the federal UST program and provide adequate enforcement of their regulations. EPA then uses this information to determine whether to approve a state program and to determine whether approved programs continue to meet Part 281 requirements.

EPA estimates the total annual respondent burden to be about 5 million hours and \$376 million for information collection requirements associated with Part 280 and about 950 hours and \$52,000 for information collection requirements associated with Part 281. For UST facilities, the estimated total average time burden for conducting the activities covered in this ICR is approximately 24 hours per respondent annually. For states applying for program approval and for states with approved programs, the estimated total average time burden is approximately 23 hours per state annually.

### **Region IX**

The United States Environmental Protection Agency (EPA), Region 9, Underground Storage Tanks Program Office (“USTPO”) is planning to undertake an effort to increase the rate of compliance in Indian country. In FY 08, the rate of compliance in Region 9 Indian country was 36%. EPA anticipates that an information request pursuant to RCRA section 9005 directed to UST facility owners and operators in order to determine compliance at the facilities will help to significantly increase the rate of compliance and provide specific compliance assistance where applicable.

## **2. NEED FOR AND USE OF THE COLLECTION**

### ***2(a) Need and Authority for the Collection***

This section describes the need and authority for each type of information collection analyzed in this ICR. The ICR covers all aspects of management of USTs, owner and operator duties, and states submitting their own programs for approval, to be administered in lieu of the federal UST program. The UST reporting and recordkeeping requirements are intended to yield valuable information on UST systems and to ensure prompt action when releases are detected.

## **(1) Technical and Financial Responsibility Requirements**

Subtitle I of RCRA, as amended, contains UST statutory requirements. Section 9002 of RCRA, as amended, directs EPA to promulgate notification requirements for new USTs. Submitted notifications help EPA to track the number and location of new USTs and their design specifications. EPA needs to collect this information to ensure that new USTs meet design standards and other requirements.

Section 9003(a) through 9003(c) of RCRA, as amended, directs EPA to promulgate technical regulations for all USTs. The regulations include, but are not limited to, requirements for maintaining records of any monitoring or leak detection system, requirements for reporting releases and corrective actions taken in response to an UST release, and requirements for the closure of tanks. EPA requires this reporting and recordkeeping to facilitate prompt detection of releases and to prevent future releases of regulated substances into the environment.

Section 9003(d) of RCRA, as amended, requires that EPA promulgate regulations for demonstrating financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases from USTs. To comply with the regulations, private owners and operators and local government owners and operators must demonstrate financial responsibility using one or a combination of the mechanisms specified at 40 CFR Part 280, Subpart H. The need for financial responsibility for corrective action and third-party liability is shown by numerous instances of environmental damage resulting from releases of regulated substances from tanks. EPA requires this reporting and recordkeeping to ensure the financial ability of owners and operators of USTs to remediate or pay for damages resulting from releases.

## **(2) State Program Approval Procedures**

Section 9004 of RCRA, as amended, specifies procedures for states to gain approval to implement their own UST programs in lieu of the federal program. To receive approval, a state must demonstrate that its program is no less stringent than the federal UST program and provides adequate enforcement of its regulations.

EPA needs to collect this information to determine whether a state program can sufficiently protect human health and the environment. A state must prove that it has the ability to enforce its UST regulations relating to tank management and operations as well as releases. Once approved, EPA has the authority to request that states with approved state programs furnish to EPA, at any time, information in state files on the administration of the program, including data on enforcement and compliance under §281.40. EPA needs this information to determine whether a state program continues to meet state program approval requirements.

## **Region IX**

The EPA Region 9 USTPO plans to send an information request letter annually to approximately 500 UST facilities. Certain records must be maintained by UST owners and operators and made readily available for inspection. The information is routinely reviewed during inspections but the

USTPO believes there is non-compliance that warrants additional requests for documents and information because an increased level of reporting should correlate to increased compliance and, as a result, increased protection of human health and the environment. EPA plans to continue this information collection activity within Region 9 indefinitely and will continue to monitor the Region's efforts to increase UST compliance rates.

EPA has already received approval from OMB for its information collection request, entitled "EPA Information Collection Request Number 1360.08, Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures." This approval grants EPA authority to collect information from owners and operators, as specified in 40 C.F.R. Part 280, that may otherwise be subject to the Paperwork Reduction Act, including owner and operator requirements to notify the implementing agency about bringing a tank into service, pursuant to 40 C.F.R. § 280.22, and owner and operator requirements to notify the implementing agency of any decision to permanently close or make a change-in-service at an UST system, pursuant to 40 C.F.R. § 280.71.

EPA's information collection authority, found in RCRA Section 9005, provides, among other things, that UST owners and operators shall, upon request, furnish information relating to the tanks, their associated equipment, and contents, to EPA. RCRA Section 9005's information request letter authority was codified in the UST regulations at 40 C.F.R. § 280.34. This regulation and other provisions of the UST regulations also contain specific ongoing facility reporting and record keeping obligations. Also, pursuant to 40 C.F.R. § 280.34, owners and operators are required by regulation to cooperate fully with the implementing agency concerning the submission of information for reporting and record keeping.

The recordkeeping provisions of 40 C.F.R. § 280.34(b) include requirements for maintaining precisely the type of records the USTPO wishes to request from owners and operators and about which this revised information collection request is concerned. The records that are required to be maintained and readily accessible for inspection include: (1) a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (40 C.F.R. §§ 280.20(a)(4) and (b)(3)); (2) documentation of operation of corrosion protection equipment (40 C.F.R. § 280.31); (3) documentation of UST system repairs (40 C.F.R. § 280.33(f)); (4) recent compliance with release detection requirements (40 C.F.R. § 280.45); and (5) results of the site investigations conducted at permanent closure (40 C.F.R. § 280.74).

EPA believes there are both a clear need and the statutory and regulatory authority to justify this information collection request.

## **2(b) Practical Utility and Users of the Data**

### **(1) Technical and Financial Responsibility Requirements**

The data collected for new and existing UST system operations and financial responsibility requirements are used by the owners and operators and/or EPA or the implementing agency. Data maintained in records are used to monitor results of testing, inspections, and operations of UST systems, as well as to demonstrate compliance with regulations.

EPA or the implementing agency uses notifications and submitted information on technical standards or financial assurance to monitor compliance with UST regulations. EPA or the implementing agency also uses the financial information in the event of a release to decide whether funds from the Leaking Underground Storage Tank Trust Fund will be used to pay for corrective action.

### **(2) State Program Approval Procedures**

EPA uses state program applications to determine whether to approve a state program. Before granting approval, EPA must determine that programs will be no less stringent than the federal program and contain adequate enforcement mechanisms. EPA uses each part of the program application to determine how the state program corresponds to the federal program, how the state will administer the program, and how to define and coordinate efforts between EPA and the state. Once approved, EPA may request that states submit files on the administration of the program, including data on enforcement and compliance under §281.40. EPA will use this information to determine whether a state program continues to meet state program approval requirements.

## **Region IX**

Section 9003(a) through (c) of RCRA, as amended, directs EPA to promulgate technical regulations for all USTs. The regulations include, but are not limited to, requirements for maintaining records of any monitoring or leak detection system. EPA requires this recordkeeping to facilitate prevention of future releases of regulated substances into the environment.

Section 9003(d) of RCRA, as amended, requires that EPA promulgate regulations for demonstrating financial responsibility for taking corrective action and compensating third parties. The data collected for new and existing UST system operations and financial requirements are used by the owners and operators and/or EPA or the implementing agency. Data maintained in records are used to monitor results of testing, inspections, and operations of UST systems, as well as to demonstrate compliance with regulations and provide compliance assistance where applicable. Submitted information is used by EPA or the implementing agency to monitor compliance with UST regulations.

### **3. NONDUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA**

#### **3(a) Nonduplication**

Most of the information required by the UST regulations is available only from the respondents. To avoid duplicating previous work, respondents may draw upon similar analyses in compiling data for UST monitoring, recordkeeping, reporting, and testing requirements, provided the information meets the requirements specified in the regulations.

#### **Region IX**

Most of the information required by the UST regulations is not available from any source but the UST facility owners and operators to whom the requests are directed. To avoid duplicating previous work, UST facility owners and operators may draw upon similar analyses in compiling data for UST monitoring, recordkeeping, reporting, and testing requirements, provided the information meets the requirements specified in the regulations. The information request letters will request that UST facility owners and operators send to EPA Region 9's USTPO the compliance records that they are already required to keep, but have not previously been asked to submit to the Agency.

#### **3(b) Public Notice**

In compliance with the Paperwork Reduction Act of 1995, EPA issued a 60-day public notice in the *Federal Register* on April 22, 2014 (Volume 79, Number 77, Pages 22487-22488). The public comment period ended on June 23, 2014. EPA solicited comments on this information collection and the estimates in this ICR, as described below:

- Whether the collection of information is necessary for the proper performance of the functions of the Agency.
- Whether the Agency's burden estimate is accurate.
- How to minimize the burden on respondents.

EPA did not receive any comments during the comment period. The public will have a second opportunity to comment when EPA submits the ICR to the Office of Management and Budget (OMB).

#### **3(c) Consultations**

Most of the underlying assumptions in this ICR (e.g., burden hour estimates) are based on EPA consultations with industry and states conducted during the renewal of previous UST ICRs. As part of this ICR renewal, EPA consulted with industry and state agencies. EPA asked industry



representatives to review estimates of hourly labor rates for facility staff and contractors, as well as estimates of the time required for facility staff and contractors to perform various tasks required under 40 CFR Part 280. EPA consulted the Idaho and Oregon state UST programs regarding the time and cost burden estimates for states seeking program approval under 40 CFR Part 281. EPA sought out states that had obtained state program approval relatively recently. After reviewing the feedback from industry and states, EPA determined that no significant modifications to the existing burden hour estimates were warranted at this time. Table 1 lists the organizations EPA consulted with as part of the ICR renewal.

**Table 1  
Organizations Consulted as Part of the ICR Renewal**

<b>Organization</b>	<b>Contact Person</b>	<b>Telephone Number</b>
<b>Industry</b>		
Circle K Stores Inc.	Debrah Carl	704 583-5762
Brownfield Restoration Group for the Goodyear Tire & Rubber Company	Emily Gloeckler	330 668-4600 ext. 115
Hess Corporation	Jim Howard	732 750-6220
7-Eleven, Inc.	Scott Johnson	847 608-1136
Aegis Environmental	Scott Mortimer	804 378-6015
<b>States</b>		
Idaho Department of Environmental Quality	Kristi Lowder	208 373-0347
Oregon Department of Environmental Quality	Mitch Scheel	503 229-6704

## **Region IX**

The EPA Region 9 USTPO conducted consultations with the following entities:

<b>Name of Organization</b>	<b>Telephone Number</b>
Sunrise Park Resort	928.735.7669
Fort Apache Timber Company	928.338.4931
H-Market	928.338.4713
Downtown Shell	760.320.6610
Woody's II Convenience Market	928.662.4801

The EPA Region 9 USTPO's assumptions and conclusions regarding hour and cost burden are fully discussed in Section 6(a) of this document.

### **3(d) *Effects of Less Frequent Collection***

EPA has carefully considered the burden imposed on the regulated community by the information collection requirements covered in this ICR. EPA is confident that those activities required of respondents are necessary; to the extent possible, the Agency has attempted to minimize the burden imposed. If the minimum information collection requirements specified under the revisions are not met, neither the facilities nor EPA can ensure that UST systems are being managed in a manner protective of human health and the environment.

#### **Region IX**

The EPA Region 9 USTPO has considered the burden imposed upon the regulated community by the information collection requirements covered in this revision to the existing ICR. EPA is confident that those activities required of the UST facility owners and operators to whom the USTPO's anticipated information request letters are sent are necessary, and to the extent possible, the USTPO has attempted to minimize the burden imposed. The USTPO believes strongly that, if it is unable to submit the information request letters to owners and operators, it will continue to be a problem for the USTPO to ensure that UST systems are being managed in a manner protective of human health and the environment.

### **3(e) *General Guidelines***

This ICR adheres to 5 CFR 1320.5(d)(2)), with some exceptions. UST owners or operators are required to provide a written response in fewer than 30 days when reporting suspected releases (§280.50) and reporting spills and overfills (§280.53). In several instances, Part 280 requires owners and operators of USTs to maintain records for more than 30 days. Section 4(b) describes the duration of these recordkeeping requirements. In addition, an owner or operator must notify the implementing agency within 10 days if the owner or operator fails to obtain alternative financial assurance within 150 days of discovering, or within 30 days of being notified by the implementing agency, that he or she no longer meets the financial test. UST owners and operators and providers of financial assurance must also adhere to notification requirements regarding bankruptcy or other incapacities within 10 days after commencement of bankruptcy proceedings (§280.114). These requirements enable EPA and the implementing agency to ensure that owners and operators are managing their UST systems in a manner protective of human health and the environment.

#### **Region IX**

This revision to the existing ICR adheres to the guidelines stated in the Paperwork Reduction Act of 1995, OMB's implementing regulations, EPA's ICR Handbook, and other applicable OMB guidance.

### **3(f) *Confidentiality***

Section 3007(b) of RCRA and 40 CFR Part 2, Subpart B, which define EPA's general policy on public disclosure of information, contain provisions for confidentiality. However, the Agency does not anticipate that businesses will assert a claim of confidentiality covering all or part of the requirements covered in this ICR. If businesses assert such a claim, EPA must and will treat the information in accordance with the regulations cited above. EPA will also ensure that this information collection complies with the Privacy Act of 1974 and OMB Circular A-130.

### **Region IX**

Section 9005(b) of RCRA and 40 CFR 2, Subpart B, which define EPA's general policy on public disclosure of information, contain provisions for confidentiality. However, the USTPO does not anticipate that businesses will assert claims of confidentiality covering all or part of the requirements covered in this revision to the existing ICR. If any such claim were asserted, EPA must and will treat the information in accordance with the confidentiality provisions cited above. EPA will also ensure that this information collection complies with the Privacy Act of 1974 and OMB Circular 108.

### **3(g) Sensitive Questions**

No questions of a sensitive nature are included in any of the UST information collection requirements.

### **Region IX**

No questions of a sensitive nature will be included in any of the UST information collection requests submitted to UST facility owners and operators by the USTPO.

## 4. THE RESPONDENTS AND THE INFORMATION REQUESTED

### 4(a) Respondents and NAICS Codes

Table 2 lists the North American Industry Classification System (NAICS) sectors associated with industries most likely affected by the information collection requirements associated with the revisions covered in this ICR. Other sectors likely affected by the information collection requirements in the revisions include local, state, and federal governments.

**Table 2**  
**NAICS Sectors of Affected Industries**

NAICS Sector	NAICS Sector Description
211112	Natural Gas Liquid Extraction
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
331311	Alumina Refining
325131	Inorganic Dye and Pigment Manufacturing
325188	All Other Basic Inorganic Chemical Manufacturing
325211	Plastics Material and Resin Manufacturing
325510	Paint and Coating Manufacturing
325110	Petrochemical Manufacturing
325188	All Other Basic Inorganic Chemical Manufacturing
325193	Ethyl Alcohol Manufacturing
325120	Industrial Gas Manufacturing
325199	All Other Basic Organic Chemical Manufacturing
325510	Paint and Coating Manufacturing
311942	Spice and Extract Manufacturing
325199	All Other Basic Organic Chemical Manufacturing
325998	All Other Miscellaneous Chemical Product and Preparation Manufacturing
324110	Petroleum Refineries
336399	All Other Motor Vehicle Parts Manufacturing
332999	All Other Miscellaneous Fabricated Metal Product Manufacturing
333319	Other Commercial and Service Industry Machinery Manufacturing
332710	Machine Shops
333999	All Other Miscellaneous General Purpose Machinery Manufacturing

NAICS Sector	NAICS Sector Description
336211	Motor Vehicle Body Manufacturing
336312	Gasoline Engine and Engine Parts Manufacturing
336322	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing
336330	Motor Vehicle Steering and Suspension Components (except Spring) Manufacturing
336340	Motor Vehicle Brake System Manufacturing
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing
336399	All Other Motor Vehicle Parts Manufacturing
562112	Hazardous Waste Collection
562119	Other Waste Collection
484110	General Freight Trucking, Local
484210	Used Household and Office Goods Moving
484220	Specialized Freight (except Used Goods) Trucking, Local
221111	Hydroelectric Power Generation
221112	Fossil Fuel Electric Power Generation
221113	Nuclear Electric Power Generation
221119	Other Electric Power Generation
221121	Electric Bulk Power Transmission and Control
221122	Electric Power Distribution
486210	Pipeline Transportation of Natural Gas
454311	Heating Oil Dealers
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers
424710	Petroleum Bulk Stations and Terminals
441110	New Car Dealers
447110	Gasoline Stations with Convenience Store
447190	Other Gasoline Stations
811111	General Automotive Repair

## **4(b) Information Requested**

In the following paragraphs, this ICR describes the data items (including recordkeeping requirements) and respondent activities associated with UST technical and financial responsibility requirements and the state program approval application requirements contained at 40 CFR Parts 280 and 281, respectively.

### **(1) Technical and Financial Responsibility Requirements: Data Items and Respondent Activities**

Regulations at 40 CFR Part 280 contain technical and financial responsibility requirements for owners and operators of USTs. Part 280 is divided into eight subparts (Subparts A through H). This ICR summarizes the information collection requirements, and associated data items and respondent activities, in the order in which they appear in Part 280, in the following subparts:

- Program scope and interim prohibition (Subpart A).
- UST systems: design, construction, installation, and notification (Subpart B).
- General operating requirements (Subpart C).
- Release detection (Subpart D).
- Release reporting, investigation, and confirmation (Subpart E).
- Release response and corrective action for UST systems containing petroleum or hazardous substances (Subpart F).
- Out-of-service UST systems and closure (Subpart G).
- Financial responsibility (Subpart H).

#### **(a) Program Scope and Interim Prohibition**

Interim prohibition requires a new UST system to have corrosion protection if it is deferred from the regulations unless a corrosion expert finds the site to be relatively non-corrosive. Deferrals include the following types of UST systems: (1) wastewater treatment tank systems, (2) UST systems containing radioactive material that are regulated by the Atomic Energy Act, (3) UST systems associated with emergency generation systems at a nuclear power generation facility, (4) airport hydrant fuel distribution systems, and (5) UST systems with field-constructed tanks. §280.11(b) requires owners or operators that have installed an UST system without corrosion protection at sites listed above to maintain records documenting that a corrosion expert determined the site was not corrosive enough to cause the UST system to have a release due to corrosion during its operating life. These records of compliance must be maintained for the remaining life of the tank (§280.11(b)).

##### **(i) Data Items:**

- Records documenting that a corrosion expert determined the site was not corrosive enough to cause the UST system to have a release due to corrosion during its operating life.

(ii) Respondent Activities:

- Have a corrosion expert inspect the site; and
- Maintain the records demonstrating compliance.

**(b) UST Systems: Design, Construction, Installation, and Notification**

***(b1) Performance Standards for New UST Systems – Tanks and Piping without Corrosion Protection***

Tanks and piping in contact with the ground that routinely contain regulated substances must have corrosion protection unless a corrosion expert finds the site to be relatively non-corrosive (§§280.20(a) and (b)). §280.20(a)(4)(i) and (ii) and §280.20(b)(3)(i) and (ii) require owners or operators that have installed an UST system with metal tanks and/or piping without corrosion protection to maintain records demonstrating that a corrosion expert determined the site was not corrosive enough to cause the UST system to have a release due to corrosion during its operating life. These records of compliance must be maintained for the remaining life of the tank and/or piping.

(i) Data Items:

- Records documenting that a corrosion expert determined that the site is not corrosive enough to cause the UST system to have a release due to corrosion during its operating life.

(ii) Respondent Activities:

- Have a corrosion expert inspect the site; and
- Maintain the records demonstrating compliance.

***(b2) Certification of Installation***

§280.20(e) requires owners and operators to ensure that tanks and piping were installed properly through certification, testing, or inspection. Owners and operators must demonstrate compliance of proper installation methods by providing a certification of compliance on the UST notification form in accordance with §280.22 (§280.20(e)). This burden is included below in the Notification Requirements section (b4).

**(b3) Periodic Lining Inspections**

§280.21 establishes requirements for all UST systems that have been upgraded.<sup>1</sup> §280.21(b)(1) (ii) requires inspection of all tanks upgraded by internal lining within 10 years after lining and every 5 years thereafter. The purpose of the inspection is to determine whether a tank is structurally sound and the lining is still performing in accordance with original design specifications.

(i) Data Items:

- Records that show a lined tank is structurally sound and that the lining is still performing in accordance with original design specifications.

(ii) Respondent Activities:

- Conduct internal tank inspection within 10 years after lining and every 5 years thereafter.
- Maintain records.

[NOTE: Although §280.21(b) does not explicitly require maintenance of inspection records, the regulations do require the use of a code of practice developed by a nationally recognized association or independent testing laboratory in order to comply with the regulations under this section. Because most of these codes of practice require maintenance of inspection records, EPA has included this burden in this ICR. In addition, EPA notes that the Agency may use these inspection records for enforcement purposes.]

**(b4) Notification Requirements**

§280.22 describes the notification requirements for new UST systems. All of the information in sections I through XI of the notification form (see the latest notification form on EPA's website, [www.epa.gov/oust/fedlaws/cfr.htm](http://www.epa.gov/oust/fedlaws/cfr.htm)), or similar state forms used in lieu of the federal form, must be filled out completely (§280.22). In addition, any person selling an UST must notify the purchaser of such tanks of the owner's notification obligations under §280.22(a) (§280.22(g)).

(i) Data Item:

- Completed notification form (§§280.22(a) through (g)) that includes:
  - Ownership of USTs.
  - Location of USTs.
  - Type of owner.
  - Indication of presence of USTs in Indian Country.
  - Type of facility.
  - Contact person in charge of tanks.

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<sup>1</sup> As specified at 40 CFR 280.21(a), all open UST systems should have been upgraded by December 22, 1998.



- o Certificate of compliance with financial responsibility.
- o Certificate of form completion.
- o Description of USTs and piping.
- o Description of closure or change in service.
- o Certificate of installation.<sup>2</sup>

(ii) Respondent Activities:

- Prepare and submit notification form within 30 days of bringing an UST system into use.
- Notify purchaser of an UST of the owner's notification obligations.

**(c) General Operating Requirements**

***(c1) Operation and Maintenance of Corrosion Protection***

Owners and operators with cathodically protected steel UST systems must periodically inspect their systems and have a qualified cathodic protection tester conduct periodic tests. §§280.31(d) (1) and (2) require owners and operators to maintain records that demonstrate compliance with performance standards for UST systems using cathodic protection.

(i) Data Items:

- Records that demonstrate compliance with performance standards for UST systems using cathodic protection, including:
  - o For all tanks with cathodic protection, results from the last two tests of the cathodic protection system (§§280.31(b)(1) and (2)).
  - o For tanks using impressed cathodic protection systems, results of the last three inspections of the cathodic protection equipment on UST systems (§280.31(c)).

(ii) Respondent Activities:

- Have a qualified cathodic protection tester conduct the test for all cathodic protection systems within six months of installation, at least every three years thereafter, and within six months of the repair of any cathodically protected UST system (§280.33(e)).
- Conduct the inspection for impressed current cathodic protection systems every 60 days.
- Maintain records.

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<sup>2</sup> For certification of installation, the full burden is included in this section. For other data items, this section only includes the burden for compiling these data items, not for obtaining them. The burden associated with obtaining these data items is covered in other parts of the ICR under §§280.20(a) and (b) (cathodic protection of steel tanks and piping), §§280.95 through 280.114 (financial responsibility), and §§280.40 through 280.45 (release detection).

**(c2) Maintenance of Repair Records**

§280.33(f) requires owners and operators to maintain records of each repair for the operating life of the UST system. These records must demonstrate that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances (§280.33(f)).

(i) Data Items:

- Records of each repair for the operating life of the UST system.

(ii) Respondent Activities:

- Gather information on each repair.
- Conduct tightness testing 30 days after repair in accordance with §§ 280.43(c) and 280.44(b), except as provided in §§280.33(d)(1) through 280.33(d)(3) (§280.33(d)).
- Maintain records.

**(c3) Reporting**

§280.34(a) requires owners and operators to cooperate fully with the implementing agency concerning submission of information. Owners and operators must submit to the implementing agency the information gathered and requested in §§280.20(e), 280.22, 280.50, 280.53, 280.61, 280.62, 280.63, 280.64, 280.65, 280.66, and 280.71. Data items and respondent activities, as well as the associated hour and cost burden, are specified and covered in each of the respective sections (§280.34(a)).

**(c4) Recordkeeping**

§§280.34(b) and (c) require owners and operators to cooperate fully with the implementing agency concerning the recordkeeping, availability, and maintenance of information. Owners and operators must maintain the information requested in §§280.20(a)(4), 280.20(b)(3), 280.31, 280.33(f), 280.45, and 280.74. Data items and respondent activities, as well as the associated hour and cost burden, are specified and covered in each of the respective sections.

**(d) Release Detection**

**(d1) General Requirements for All UST Systems**

§280.40 outlines release detection requirements applicable to nearly all UST systems.<sup>3</sup> §280.40 also provides that, when a release detection method indicates that a release may have occurred, owners and operators must notify the implementing agency in accordance with Subpart E. Data items and respondent activities associated with release detection requirements are covered under §§280.43, 280.44, and 280.45. Data items and respondent activities associated with the reporting of suspected releases are covered in the subsequent section, “Release Reporting, Investigation, and Confirmation” (40 CFR Part 280, Subpart E).

**(d2) Release Detection for Tanks**

§280.43 specifies methods that UST owners and operators may use to meet the release detection requirements for tanks at §280.41(a). Owners and operators are required to record results of measurements or tests indicating whether a release has or has not occurred.

(i) Data Items:

*Inventory Control*

- Records of inventory control, including:
  - Inventory volume measurements for regulated substance inputs, withdrawals, and remaining substance for each operating day (§§280.43(a)(1) and (3)).
  - Records of product dispensing, recorded to local standards for meter calibration or within six cubic inches for every five gallons withdrawn (§280.43(a)(5)).
  - Records of measurements of any water level in the bottom of the tank, to the nearest one-eighth inch, at least once per month (§280.43(a)(6)).

*Manual Tank Gauging*

- Records of manual tank gauging, including weekly records of tank liquid level measurements, taken at the beginning and end of a minimum time period during which the contents of the tank are not disturbed (§280.43(b)(1)).<sup>4</sup>
- Records of tank tightness testing that demonstrate testing is capable of detecting a 0.1-gallon-per-hour leak rate (§280.43(c)).

*Automatic Tank Gauging*

- Records of automatic tank gauging tests, including:
  - Monthly automatic product level monitor tests (§280.43(d)(1)).
  - For automatic tank gauging systems that do not meet the performance standard in §280.40(a)(3), records of inventory control (or another test of equivalent performance, conducted in accordance with the requirements of §280.43(a) (§280.43(d)(2))).

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<sup>3</sup> Emergency generator tanks are currently deferred from 40 CFR Part 280 Subpart D.

<sup>4</sup> Tanks exceeding a 2,000-gallon capacity may not use this method of release detection (also see previous footnote).

*Vapor Monitoring*

- Monthly records of vapor monitoring within the soil gas of the excavation zone (§280.43(e)).

*Groundwater Monitoring*

- Monthly records of groundwater monitoring (§280.43(f)).

*Interstitial Monitoring*

- Monthly records of interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it (§280.43(g)).

*Alternative Technology*

- A demonstration for another release detection method (§280.43(h)(2)).
  - Monthly records of another approved release detection method, if necessary (§280.43(h)(2)).

## (ii) Respondent Activities:

- If using inventory control, record delivery, dispensing, and inventory measurements each operating day, reconcile measurements monthly, record monthly water level measurements, and perform tank tightness testing.<sup>5</sup>
- If using manual tank gauging with tank tightness testing, record two consecutive tank liquid level measurements at the beginning and ending of a minimum time period each week, reconcile measurements monthly, and perform tank tightness testing.<sup>6</sup>
- If using manual tank gauging only (i.e., without tank tightness testing), record two consecutive tank liquid level measurements at the beginning and ending of a minimum time period each week, and reconcile measurements monthly.
- If using automatic tank gauging, record results of monthly automatic product level monitoring tests and, if necessary, daily inventory volume measurements.
- If using vapor monitoring, record results of monthly monitoring.
- If using groundwater monitoring, record results of monthly monitoring.
- If using interstitial monitoring, record results of monthly monitoring.
- If wishing to use an alternative technology, prepare and submit a demonstration for an alternative release detection method and, if necessary, record monthly results.

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<sup>5</sup> If an UST system meets the performance standards in §280.20 or §280.21, product inventory control may be used in conjunction with tank tightness testing every 5 years until 10 years after installation of the tank (see §280.41(a)(1)).

<sup>6</sup> See previous footnote.

**(d3) Release Detection for Piping**

§280.44 specifies methods that UST owners and operators may use to meet the release detection requirements for piping at §280.41(b). Owners and operators are required to maintain the following types of measurement records to demonstrate compliance.

(i) Data Items:

- Records of an annual automatic line leak detector test conducted according to the manufacturer's requirements (§280.44(a)), and either:
  - Records from a line tightness test conducted per §280.44(b).
  - Records from any of the methods identified in §§280.43(e) through (h) (as described above for tanks) if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances (§280.44(c)). [Burden associated with this requirement is already covered in the Release Detection for Tanks subsection above.]

(ii) Respondent Activities:

- Conduct and record annual test of the operation of the automatic line leak detector in accordance with the manufacturer's requirements, and either:
  - Conduct and record results of an annual line tightness test.<sup>7</sup>
  - Conduct and record results of monthly monitoring.<sup>8</sup>

**(d4) Release Detection Recordkeeping**

§280.45 requires that owners and operators maintain records that contain information about each release detection system in place at an UST system.

(i) Data Items:

- All written performance claims about any system used, and the way the claims were justified or tested by the manufacturer or installer (§280.45(a)).
- Results of any sampling, testing, or monitoring (§280.45(b)).
- Written documentation of all calibration, maintenance, and repair of any release detection system located permanently on site (§280.45(c)).

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<sup>7</sup> Based on program experience, EPA believes that approximately 84 percent of the lines are pressurized and 16 percent are suction lines. However, EPA was unable to estimate the number of suction lines that require leak detection monitoring and use three-year line tightness testing. Therefore, this ICR assumes all lines used are pressurized piping for line tightness testing calculations. Because suction lines do not have to comply with certain leak detection requirements, this ICR overestimates the burden for this section.

<sup>8</sup> The burden associated with monthly monitoring is covered in other parts of the ICR under §§280.43 (e) (vapor monitoring), 280.43 (f) (groundwater monitoring), 280.43 (g) (interstitial monitoring), and 280.43 (h) (other methods).

- Any schedule of required calibration, and maintenance provided by the equipment manufacturer (§280.45(c)).

(ii) Respondent Activities:

- Maintain records for the periods of time as follows:
  - Performance claims – five years from date of installation, unless implementing agency advises otherwise.
  - Sampling, testing, or monitoring results – one year unless implementing agency advises otherwise, except for tank tightness testing, in which case records are to be maintained until the next test is conducted.
  - Documentation of all calibrations, maintenance, and repairs – one year after servicing was completed, unless implementing agency advises otherwise.
  - Manufacturer calibration and maintenance schedules – five years from date of installation.

**(e) Release Reporting, Investigation, and Confirmation**

***(e1) Reporting of Suspected Releases***

§280.50 requires owners and operators to report within 24 hours to the implementing agency if a release is suspected and the release exceeds 25 gallons (or for hazardous substances that exceed the reportable quantity), or if a smaller release cannot be cleaned up within 24 hours.

(i) Data Items:

- Information on a discovery of released regulated substances at the UST site or surrounding area (§280.50(a)).
- Information on unusual operating conditions, unless system equipment is found to be defective but not leaking, and is immediately repaired (§280.50(b)).
- Monitoring results from a release detection method required under §§280.41 and 280.42 that indicate a release may have occurred, unless (1) a monitoring device is found to be defective and upon repair, recalibration, or replacement, does not confirm a release, or (2) a second month of data from inventory control does not confirm the initial result (§§280.50(c)(1) and (2)).

(ii) Respondent Activities:

- Gather information on the suspected release; and
- Report the suspected release.

***(e2) Reporting and Cleanup of Spills and Overfills***

§§280.53(a) through (b) require owners and operators to immediately contain and clean up a spill or overflow, and to report certain releases. Owners and operators must report to the implementing agency within 24 hours, or another reasonable period specified by the implementing agency, in the following cases:

- Spill or overflow that results in a release to the environment exceeding 25 gallons or another reasonable amount as specified by the implementing agency, or that causes a sheen on nearby surface water (§280.53(a)(1)).
- Spill or overflow of a hazardous substance that equals or exceeds its reportable quantity under CERCLA (40 CFR Part 302) (§280.53(a)(2)).

In addition, owners and operators must contain and immediately cleanup a spill or overflow of petroleum that is less than 25 gallons or another reasonable amount specified by the implementing agency, and a spill of a hazardous substances that is less than the reportable quantity.

If cleanup cannot be accomplished within 24 hours, or another reasonable period specified by the implementing agency, owners and operators must immediately notify the implementing agency.

(i) Data Items:

- Report on spill or overflow that exceeds 25 gallons or equals or exceeds a reportable quantity under CERCLA.
- Notification of spill or overflow of less than 25 gallons, if it cannot be cleaned up within 24 hours.

(ii) Respondent Activities:

- Report spill or overflow within 24 hours if over 25 gallons or the reportable quantity.
- Notify the implementing agency if unable to cleanup a spill less than 25 gallons or the reportable quantity.<sup>9</sup>

**(f) Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances**

***(f1) Initial Response***

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<sup>9</sup> Spill and overflow reporting specified in sections 280.53(a) through (b) represents a subset of similar reporting that must be initiated for all releases meeting certain criteria; in this ICR, these burdens are covered under section 280.50.

Upon confirmation of a release in accordance with §280.52 or another procedure, owners and operators must conduct initial response actions within 24 hours of a release or within another reasonable period determined by the implementing agency. The initial response is a release report, which may be submitted to the implementing agency by telephone or electronic mail (§280.61(a)).

- (i) Data Item:
  - Release report.
- (ii) Respondent Activity:
  - Report the release to the implementing agency (e.g., by telephone or electronic mail).

**(f2) *Initial Abatement Measures Report and Site Check***

§280.62(b) requires owners and operators to submit within 20 days, or another reasonable period determined by the implementing agency, a report summarizing initial abatement steps taken and any resulting information or data in accordance with §280.62(a).

- (i) Data Item:
  - Report on initial abatement steps and resulting information or data.
- (ii) Respondent Activities:
  - Gather information during initial abatement; and
  - Prepare and submit a summary report of initial abatement steps.

**(f3) *Initial Site Characterization***

§280.63 requires owners and operators to assemble information about the site and the nature of the release, including information from initial abatement measures in §§280.60 and 280.61. Under §280.63(b), the information collected must be submitted to the implementing agency within 45 days of the release confirmation or another reasonable period of time determined by the implementing agency, in a manner that demonstrates its applicability and technical adequacy, or in a format and according to the schedule required by the implementing agency.

- (i) Data Items:
  - Data on the nature and estimated quantity of the release (§280.63(a)(1)).
  - Data on surrounding populations, water quality, use, and locations of wells, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use (§280.63(a)(2)).



- Results of the site check under §280.62(a)(5) (§280.63(a)(3)).
- Results of free product investigations under §280.62(a)(6) (§280.63(a)(4)).

(ii) Respondent Activities:

- Gather information for the initial site characterization; and
- Prepare and submit information per implementing agency instructions.

**(f4) Free Product Removal**

§280.64 requires owners and operators to remove free product to the maximum extent practicable if investigations under §280.62(a)(6) indicate removal is warranted. Under §280.64(d), owners and operators must assemble information and prepare and submit a free product removal report within 45 days after confirmation of a release.

(i) Data Items:

- Names of people responsible for free product removal measures (§280.64(d)(1)).
- Estimated quantity, type, and thickness of free product observed or measured (§280.64(d)(2)).
- Type of recovery system used (§280.64(d)(3)).
- Location of discharge, if any (§280.64(d)(4)).
- Type of treatment applied to, and effluent quality expected from, any discharge (§280.64(d)(5)).
- Steps that have been or are being taken to obtain permits for discharges (§280.64(d)(6)).
- Disposition of recovered free product (§280.64(d)(7)).

(ii) Respondent Activities:

- Gather information for free product removal report; and
- Prepare and submit report.

**(f5) Investigations for Soil and Groundwater Cleanup**

§280.65 requires owners and operators to conduct investigations of soil and groundwater if any of the following conditions exist: (1) there is evidence that groundwater wells have been affected; (2) free product is found; (3) there is evidence of contaminated soils in contact with groundwater; or (4) there are potential effects of soil or groundwater on nearby surface water and groundwater resources. Under §280.65(b), owners and operators must submit information covering the release, the release site and the area affected by the release after investigating the impacts of the release on the soils and groundwater. The information must be collected and submitted within a reasonable time established by the implementing agency if the conditions in §§280.65(a)(1) through (4) exist.

- (i) Data Item:
  - Information on soil and groundwater impacts of release.
- (ii) Respondent Activities:
  - Gather information from soil and groundwater cleanup investigations; and
  - Submit collected information.

**(f6) Corrective Action Plan**

§280.66 specifies corrective action requirements for USTs. The implementing agency may require owners and operators to submit additional information or a corrective action plan for responding to contaminated soils or groundwater. Upon approval, owners and operators must implement the plan and report the results of implementation. In addition, in order to keep contamination at a site to a minimum, owners and operators may begin cleanup prior to plan approval by notifying the implementing agency of the intention to begin cleanup and including the cleanup measures in the corrective action plan, provided they comply with any conditions imposed by the implementing agency and incorporate self-initiated cleanup measures into the corrective action plan.

- (i) Data Items:
  - Additional information or a corrective action plan for responding to contaminated soils or groundwater.
  - Notification of commencing cleanup prior to obtaining corrective action plan approval.
  - A report on plan implementation results.
- (ii) Respondent Activities:
  - Prepare and submit a corrective action plan or additional information;
  - If applicable, notify the implementing agency of early cleanup; and
  - Report the results of implementing the plan.

**(g) Out-of-Service UST Systems and Closure**

**(g1) Permanent Closure and Changes-in-Service Notification**

§280.71(a) requires that owners and operators notify the implementing agency of any decision to permanently close or make a change-in-service at an UST system. The notification must be made at least 30 days prior to beginning permanent closure or change-in-service actions. The notification can be made using the general notification form, available on OUST's website. After notification, but before completing a closure or change-in-service, the owner or operator must complete an excavation zone assessment under §280.72(a).

- (i) Data Item:
  - Notification of close or change-in-service at an UST system.
- (ii) Respondent Activities:
  - Notify the implementing agency of permanent closure or a change-in-service; and
  - Conduct an excavation zone assessment.

**(g2) Closure Records**

Section 280.74 requires owners and operators to maintain records in accordance with section 280.34 that are capable of showing compliance with closure requirements. Owners and operators also are required to maintain results of the excavation zone assessment required in section 280.72 for at least three years after completion of permanent closure or change-in-service.

- (i) Data Items:
  - Records showing compliance with closure requirements (§280.74).
- (ii) Respondent Activities:
  - Maintain closure records after permanent closure or a change-in-service for at least three years after the results of the excavation zone assessment are obtained.
  - Mail the records to the implementing agency if the records cannot be maintained at the closed UST site.

**(h) Financial Responsibility**

**(h1) Financial Responsibility Mechanisms**

40 CFR Part 280, Subpart H financial responsibility requirements apply to all owners of petroleum USTs, except those exempted in §§280.10(b) and (c), as specified by §280.90(d). Owners of existing USTs, except for local government entities, were required to comply with the financial responsibility requirements by the dates specified in §280.91.

An owner or operator may use any one or combination of the mechanisms listed in §§280.95 through 280.103 to demonstrate financial responsibility. In addition to these options, a local government operator may use any one or a combination of the mechanisms listed in §§280.104 through 280.107. Each of these options is described in detail below in subsections (2) through (14). [NOTE: This ICR aggregates the burden associated with each of these financial mechanisms; the reporting burden for financial responsibility requirements is presented under §280.110 and the recordkeeping burden is presented under §280.111.]

### **Financial Test of Self Assurance**

§280.95 outlines the procedures for a financial test of self assurance as a means of satisfying financial responsibility requirements. Owners and operators have the option of meeting the criteria specified in either §280.95(b) or 280.95(c).

(i) Data Items:

The §280.95(b) criteria require the following data items:

- A letter signed by the chief financial officer (CFO), worded exactly as stated in §280.95(d) (§280.95(b)(3)).
- Annual financial statements (§280.95(b)(4)(i)) or annual tangible net worth statements (§280.95(b)(4)(ii)).

The §280.95(c) criteria require the following data items:

- Fiscal year-end financial statements of the owner or operator, or the guarantor, and an independent certified public accountant (CPA) report (§280.95(c)(2)).
- A letter signed by the CFO, worded exactly as in §280.95(d) (§280.95(c)(4)).
- A special report from an independent CPA, if annual financial statements were not submitted to the U.S. Securities and Exchange Commission (SEC), the Energy Information Administration, or the Rural Electrification Administration<sup>10</sup> (§280.95(c)(5)).

The implementing agency also may require submittal of the following data items at any time:

- Reports of financial condition (§280.95(f)).
- A notification of failure to find alternate financial assurance, if the owner or operator cannot find such assurance within 150 days of finding that he or she cannot meet the requirements of the financial test, or within 30 days of notice from the implementing agency (§280.95(g)).

(ii) Respondent Activities:

- Obtain and keep on file a signed and dated letter from the CFO.
- File financial statements annually with the SEC, the Energy Information Administration, or the Rural Electrification Administration; or report the tangible net worth to Dun and Bradstreet annually.
- Maintain current financial condition records.

Owners and operators demonstrating the financial test under §280.95(c) must conduct the following activities:

- Have an independent CPA examine financial statements and prepare a report.

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<sup>10</sup> The Rural Electrification Administration is now the Rural Utilities Service.

- Obtain and keep on file a signed and dated letter from the CFO.
- Obtain a special report from an independent CPA if annual financial statements were not submitted to the SEC, the Energy Information Administration, or the Rural Electrification Administration.
- Maintain current financial condition records.

Owners and operators also may have to perform the following activities:

- Submit current financial condition reports, if requested by the implementing agency.
- Notify implementing agency within 10 days if owner or operator fails to obtain alternative financial assurance within 150 days of discovering, or within 30 days of being notified by the implementing agency, that he or she no longer meets the financial test.

[NOTE: This ICR covers the burden associated with these activities under §280.110 (reporting) and §280.111 (recordkeeping).]

### **Guarantee**

§280.96 outlines the procedures for obtaining a guarantee as a means of satisfying the financial responsibility requirements.

#### (i) Data Items:

- A letter from the CFO of the guarantor, as worded in §280.95(d) (§280.96(a)).
- A guarantee, as specified in §280.96(c).
- A standby trust agreement worded exactly as in §280.103(b) (§280.96(d)). [The trust agreement burden is covered subsequently in this ICR.]

#### (ii) Respondent Activities:

- Obtain and keep on file a letter from the CFO of the guarantor; and
- Obtain and keep on file a guarantee from the guarantor.

[NOTE: This ICR covers the burden associated with these activities under §280.111 (recordkeeping).]

### **Insurance and Risk Retention Group Coverage**

§280.97 outlines the procedures for obtaining liability insurance as a means of satisfying the financial responsibility requirements.

- (i) Data Item:
  - Insurance or risk retention group coverage policy with endorsement amendment (§§280.97(a) through (b)).
- (ii) Respondent Activities:
  - Obtain and keep on file an insurance or risk retention group coverage policy.

[NOTE: This ICR covers the burden associated with this activity under §280.111 (recordkeeping).]

### **Surety Bond**

§280.98 outlines the procedures for obtaining a surety bond as a means of satisfying the financial responsibility requirements.

- (i) Data Items:
  - A surety bond worded exactly as in §280.98(b).
  - A standby trust agreement worded exactly as in §280.103(b) (§280.98(d)). [The trust agreement burdened is covered subsequently in this ICR.]
- (ii) Respondent Activities:
  - Obtain and keep on file a copy of the surety bond.

[NOTE: This ICR covers the burden associated with this activity under section 280.111 (recordkeeping).]

### **Letter of Credit**

§280.99 outlines the procedures for obtaining a letter of credit as a means of satisfying the financial responsibility requirements.

- (i) Data Items:
  - An irrevocable standby letter of credit worded exactly as in §280.99(b).
  - A standby trust agreement worded exactly as in §280.103(b) (§280.99(c)). [The trust agreement burden is covered subsequently in this ICR.]
- (ii) Respondent Activities:
  - Maintain and keep on file the irrevocable standby letter of credit.

[NOTE: This ICR covers the burden associated with this activity under §280.111 (recordkeeping).]

### **Use of State-Required Mechanisms**

§280.100 allows UST owners and operators in states without program approval to satisfy the requirements of §280.93 by using a state-required financial mechanism, if approved by EPA. The owner or operator, state, or any other party may request approval.

- (i) Data Items:
  - A written petition requesting consideration of one or more of the state-required mechanisms to meet §280.93 requirements (§280.100(c)).
  - Copies of state statutory and regulatory requirements and amounts of funds for coverage (§280.100(c)).
  - Additional information, as deemed necessary by EPA (§280.100(c)).
- (ii) Respondent Activities:
  - Prepare and submit the petition package; and
  - Retain a copy of the petition package.

[NOTE: This ICR covers the burden associated with these activities under section 280.110 (reporting) and §280.111 (recordkeeping).]

### **State Fund or Other State Assurance**

Section 280.101 allows UST owners and operators in states without program approval to satisfy the requirements of §280.93 by using a state fund or other state assurance, if approved by EPA. To satisfy the requirements of §280.93, the owner or operator must obtain a letter or certificate from the state.

- (i) Data Item:
  - A letter or certificate issued by the state containing: (1) the facility's name and address; and (2) the amount of funds for corrective action and/or for compensating third parties that is assured by the state (§280.101(d)).
- (ii) Respondent Activities:
  - Obtain a letter or certificate from the state and keep it on file.

[NOTE: This ICR covers the burden associated with this activity under §280.111 (recordkeeping).]

### **Trust Fund**

§280.102 outlines the procedures for using a trust fund as a means of satisfying the financial responsibility requirements.

(i) Data Items:

- A trust agreement worded exactly as in §280.103(b)(1), accompanied by formal certification of acknowledgment as specified in §280.103(b)(2) (§280.102(b)).
- If the value of the trust fund is greater than the required amount of coverage, or if other financial assurance is substituted, a written request for the release of excess funds (§§280.102(d) through (e)).

(ii) Respondent Activities:

- Release report.
- Prepare the trust agreement and formal certification of acknowledgment and keep it on file.
- Prepare and submit written request for release of excess funds, if applicable.

[NOTE: This ICR covers the burden associated with these activities under §280.110 (reporting) and §280.111 (recordkeeping).]

### **Standby Trust Fund**

§280.103 outlines the procedures for using a standby trust fund as a means of satisfying the financial responsibility requirements. Owners and operators using mechanisms described in §§280.96, 280.98, and 280.99 must establish a standby trust fund in addition to satisfying the other requirements of those sections.

(i) Data Items:

- A trust agreement worded exactly as in §280.103(b)(1) accompanied by formal certification of acknowledgment as specified in §280.103(b)(2).

(ii) Respondent Activities:

- Prepare the standby trust fund agreement and any amendments and keep it on file.

[NOTE: This ICR covers the burden associated with this activity under §280.111 (recordkeeping).]



### **Local Government Bond Rating Test**

§280.104 states that a general-purpose local government owner or operator and/or a local government as a guarantor may satisfy the requirements of §280.93 by having outstanding issues of bonds of \$1 million or more.

(i) Data Items:

- A copy of the owner or operator's bond rating of the past 12 months by Moody's or Standard and Poor's (§280.104(c)).
- A letter from the CFO exactly as stated in §280.104(d) for a general-purpose local government owner or operator and/or guarantor, or as stated in §280.104(e) for a non-general-purpose local government owner or operator and/or guarantor.
- Current records of financial condition (§280.104(f)).

(ii) Respondent Activities:

- Maintain current copy of bond ratings;
- Prepare a signed letter from the CFO and keep it on file; and
- If requested, prepare and submit records of current financial conditions.

[NOTE: This ICR covers the burden associated with these activities under §280.110 (reporting) and §280.111 (recordkeeping).]

### **Local Government Financial Test**

§280.105 states that a local government UST owner or operator may satisfy the requirements of §280.93 by passing a financial test.

(i) Data Items:

- Financial statements for the latest completed fiscal year with information on the following (§280.105(b)(1)):
  - Total revenues;
  - Total expenditures;
  - Local revenues;
  - Debt service;
  - Total funds; and
  - Population served by the local government.
- Letter from CFO exactly as stated in §280.105(c) (§280.105(b)(3)).
- Current records of financial condition (§280.105(e)).
- Notice within 10 days of failure to obtain alternate assurance, if the owner or operator no longer meets the financial test requirements (§280.105(f)).

## (ii) Respondent Activities:

- Maintain a copy of the financial statements for the last completed fiscal year.
- Prepare a signed letter from the CFO and keep it on file.
- If requested, prepare and submit records of current financial conditions.
- Notify implementing agency within 10 days if owner or operator fails to obtain alternative financial assurance within 150 days of discovering, or within 30 days of being notified by the implementing agency, that he or she no longer meets the financial test requirements.

[NOTE: This ICR covers the burden associated with these activities under §280.110 (reporting) and §280.111 (recordkeeping).]

### **Local Government Guarantee**

A local government owner or operator may satisfy the requirements of §280.93 by obtaining a guarantee as specified in §280.106. The guarantor must be the state where the local government owner or operator is located, or a local government having a “substantial governmental relationship” with the owner or operator.

## (i) Data Items:

- A demonstration of meeting the bond rating test of §280.104 and a copy of the CFO letter in §280.104(c) (§280.106(a)(1)).
- A demonstration of meeting the worksheet test requirements of §280.105 and a copy of the CFO letter in §280.105(c) (§280.106(a)(2)).
- A demonstration of meeting the local government fund requirements of §280.107(a), 280.107(b), or 280.107(c) and a copy of the CFO letter in §280.107 (§280.106(a)(3)).
- If necessary, a notice of inability to demonstrate financial assurance (§280.106(b)).
- Guarantee worded exactly as stated in §280.106(d) or (e), depending on which of the alternative guarantee arrangements is selected (§280.106(c)).

## (ii) Respondent Activities:

- Prepare a demonstration of meeting the requirements of §280.104, 280.105, or 280.107(a) through (c) and a signed letter from the CFO and keep them on file.
- If necessary, prepare and submit a notice of inability to meet financial assurance requirements.
- Obtain a guarantee agreement and keep it on file.

[NOTE: This ICR covers the burden associated with these activities under §280.110 (reporting) and §280.111 (recordkeeping).]

### **Local Government Fund**

§280.107 states that a local government owner or operator may satisfy the requirements of §280.93 by establishing a dedicated fund account. The fund is dedicated to pay for corrective action and for compensating third parties in the event of accidental releases from petroleum USTs.

(i) Data Items:

- A signed letter from the local government's CFO and/or guarantor, worded exactly as stated in §280.107(d).
- A copy of the constitutional provision or local government statute, charter, ordinance or order dedicating the fund (§§280.107(d) and 280.111(b)(9)(i));
- Year-end financial statements for the most recent year, and the previous year's balance, if applicable (§§280.107(d) and 280.111(b)(9)(ii)); and
- If an owner or operator is using incremental funding backed by bonding authority, results of a voter referendum or an attestation by the state attorney general (§§280.107(c)(2) and 280.111(b)(9)(iii)).

(ii) Respondent Activities:

- Obtain a signed letter(s) from the CFO and/or the guarantor and keep it on file.
- Maintain a copy of the statute or other mandate dedicating the fund.
- Maintain all year-end financial statements.
- Maintain documentation of the bonding authority, including either the results of a voter referendum or attestation by the state attorney general.

[NOTE: This ICR presents the burden associated with these activities under §280.111 (recordkeeping).]

### **Substitution of Financial Assurance Mechanisms by the Owner or Operator**

§280.108(b) states that an owner or operator may cancel a financial assurance mechanism after obtaining alternate financial assurance.

(i) Data Item:

- Notice to the provider of the original financial assurance (§280.108(b)).

(ii) Respondent Activities:

- Prepare and submit a notice of alternate financial assurance to the original financial assurance provider.

[NOTE: This ICR covers the burden associated with this activity under §280.110 (reporting) and §280.111 (recordkeeping).]

**(h2) Cancellation or Nonrenewal by a Provider of Financial Assurance**

A provider of financial assurance may cancel or fail to renew an assurance mechanism according to the procedures in §280.109. The data item associated with such an action is a notice of termination, which is submitted to the UST owner or operator. If alternate financial coverage is not obtained within 60 days of being notified of the termination, owners or operators must inform the implementing agency of the failure to obtain coverage.

(i) Data Items:

- Notice of termination to UST owner or operator (§280.109(a)).
- Notice of failure to obtain alternate coverage to the implementing agency;
  - Name and address of the provider of financial assurance (§280.109(b)(1)).
  - Effective date of the termination (§280.109(b)(2)).
  - Evidence of the financial assurance mechanism subject to termination (§280.109(b)(3)).

(ii) Respondent Activities:

- Prepare and submit a notice of termination.
- Prepare and submit to the implementing agency a notification if unable to obtain alternate coverage within 60 days of receiving a notice of termination.

**(h3) Reporting**

§280.110 establishes financial responsibility reporting requirements for owners and operators who: (1) identify a reportable UST release; or (2) fail to obtain alternative coverage.

(i) Data Item:

- Report of the appropriate forms listed in §280.111(b).

(ii) Respondent Activities:

- Gather and submit forms listed in §280.111(b) to the implementing agency documenting current evidence of financial responsibility.

**(h4) Recordkeeping**

§280.111(b)(11) requires an owner or operator to maintain an updated copy of a certification of financial responsibility, as worded in §280.111(b)(11)(i).

(i) Data Item:

- Record of updated certification of financial responsibility.

## (ii) Respondent Activities:

- Prepare a certification of financial responsibility and keep it on file; and
- Update the certification whenever the financial assurance mechanism is modified.

[NOTE: This is the only recordkeeping requirement under §280.111 not covered elsewhere in this ICR Supporting Statement. All other recordkeeping requirements under §280.111 (i.e., 40 CFR 280.111(b)(1)-(b)(10)) are covered under each section of the regulations in which the paperwork is generated.]

**(h5) Bankruptcy or Other Incapacity**

§280.114 sets forth notification requirements regarding bankruptcy or other incapacities for UST owners and operators, and providers of financial assurance. Data items associated with these requirements must be submitted within 10 days after commencement of bankruptcy proceedings:

## (i) Data Items:

- For owners and operators, a notification to the implementing agency of commencement of bankruptcy proceedings and forms listed in §280.111(b) documenting current financial responsibility (§280.114(a)).
- For financial assurance providers, a notice to the UST owner or operator of commencement of bankruptcy proceedings as required under the terms of the guarantee specified in §280.96 (§280.114(b)).
- For local government owners and operators, a notification to the implementing agency of commencement of bankruptcy proceedings and forms documenting current financial responsibility (§280.114(c)).
- For local government financial assurance providers, a notice to the local government owner or operator of commencement of bankruptcy proceedings and forms documenting current financial responsibility (§280.114(d)).
- For owners and operators unable to obtain alternate financial assurance within 30 days after receiving notice of bankruptcy from a provider, a notice to the implementing agency of such failure (§280.114(e)).

## (ii) Respondent Activities:

- Prepare and submit a notification within 10 days of commencement of bankruptcy procedures.
- If necessary, prepare and submit a notification of inability to obtain alternate

## **(2) State Program Approval Procedure Application Requirements: Data Items and Respondent Activities**

Regulations at 40 CFR Part 281 contain state program approval procedures for states seeking to administer their own UST programs in lieu of the federal program. A state must obtain approval for its program from the federal agency administering the program. Part 281 is divided into six subparts (i.e., Subparts A through F), four of which contain information collection requirements. This ICR summarizes the information collection requirements and the associated data items and respondent activities, in the order in which they appear in Part 281, in the following subparts:

- Components of a program application (Subpart B);
- Adequate enforcement of compliance (Subpart D);
- Approval procedures (Subpart E); and
- Withdrawal of approval of state programs (Subpart F).

### **(a) Components of a Program Application**

#### **(a1) Transmittal Letter**

§281.20(a) states that any state seeking to administer its own UST program must submit in its application a transmittal letter from the governor of the state requesting program approval (§281.20(a)).

##### **(i) Data Item:**

- Transmittal letter from the governor of the state requesting program approval (§281.20(a)).

##### **(ii) Respondent Activities:**

- Obtain a transmittal letter from the governor's office; and
- Submit the letter to the implementing agency.

#### **(a2) Description of State Program**

§§281.20(b) and 281.21 outline that any state seeking to administer its own UST program must submit in its application a description of the program that the state plans to implement in place of the federal program.

- (i) Data Items:
  - The scope of the program, including whether (§281.21(a)):
    - Regulation is for UST systems containing petroleum or hazardous substances or both.
    - The program is more stringent or broader in scope than the federal program, and in what ways.
    - The state has jurisdiction over Indian lands or agreements with Indian tribes.
  - Organization and structure of state and local agencies responsible for administering the program (§281.21(b)).
  - State staff resources for execution of the program (§281.21(c)).
  - Existing state funding mechanisms to meet the cost of administering the program (§281.21(d)).
- (ii) Respondent Activities:
  - Prepare and submit the description of the program.

**(a3) *Procedures for Adequate Enforcement***

§281.22 states that any state seeking to administer its own UST program must submit in its application a description of compliance monitoring and enforcement policies and procedures, including judicial review procedures (§§281.22 and 281.20(c)).

- (i) Data Item:
  - Description of compliance monitoring and enforcement policies and procedures, including judicial review procedures (§§281.22 and 281.20(c)).
- (ii) Respondent Activities:
  - Gather and submit information on compliance monitoring and enforcement procedures.

**(a4) *Memorandum of Agreement***

§281.24 states that any state seeking to administer its own UST program must negotiate areas of coordinated effort and responsibilities with EPA.

- (i) Data Item:
  - A Memorandum of Agreement (MOA) concerning roles and responsibilities of EPA and the state (§§281.24 and 281.20(e)).

## (ii) Respondent Activities:

- Negotiate an MOA with EPA; and
- Prepare and submit the MOA with the program application.

**(a5) Attorney General's Statement**

§281.25 states that any state seeking to administer its own UST program must submit a written demonstration from the attorney general stating that the laws of the state are sufficiently stringent to enforce the state program proposed. The statement must include citations to statutes, regulations, judicial decisions, and analysis of any state authority to regulate USTs on Indian lands (§§281.25 and 281.20(f)).

## (i) Data Item:

- Written demonstration from the attorney general stating that the laws of the state are sufficiently stringent to enforce the proposed state program, including citations to statutes, regulations, judicial decisions, and analysis of any state authority to regulate USTs on Indian lands (§§281.25 and 281.20(f)).

## (ii) Respondent Activities:

- Draft and submit the statement from the attorney general.

**(a6) Copies of Statutes and Regulations**

§281.20(g) states that any state seeking to administer its own UST program must submit in its application copies of all applicable state statutes and regulations (§281.20(g)).

## (i) Data Item:

- Copies of all applicable state statutes and regulations (§281.20(g)).

## (ii) Respondent Activities:

- Research and gather statutes and regulations; and
- Submit copies as a part of the application.

**(b) Adequate Enforcement and Compliance**

§281.43(a) requires states with approved programs to furnish to EPA, at any time, information in state files on the administration of the program, including data on enforcement and compliance under section 281.40. This includes information submitted to the state with or without a claim of confidentiality (§281.43(a)).



- (i) Data Item:
    - Information on program administration, including data on enforcement and compliance under section 281.40.
  - (ii) Respondent Activities:
    - Maintain files and current information on program administration; and
    - Submit information to EPA, if requested.
- (c) Approval Procedures**

§281.50(b) specifies that before submitting an application to EPA for approval of a state program, states must provide an opportunity for public notice and comment.

- (i) Data Item:
  - Notification soliciting public comment on development of an UST program.
- (ii) Respondent Activities:
  - Issue notification; and
  - Receipt and review of public comments.

§§281.52(a) through (b) specifies program revision requirements that may be initiated by either EPA or the approved state.

- (i) Data Items:
    - Notification of changes in the state program that may require a revision of the approved program.
    - A revised application, if requested by EPA.
  - (ii) Respondent Activities:
    - Collect and submit information on changes in regulations or shifts in responsibilities.
    - Prepare and submit revised application, if requested by EPA.
- (d) Withdrawal of Approval of State Programs**

A state with an approved program may transfer voluntarily any responsibilities required by federal law (§281.61(a)(1)).

- (i) Data Items:
  - A notice of the transfer to be given to EPA.

- A plan for orderly information transfers from the state to EPA of all program information.
- (ii) Respondent Activities:
- Gather information.
  - Prepare and submit transfer notification.
  - Develop and submit a plan for information transfer between the state and EPA at least 90 days before the transfer occurs.

## **Region IX**

40 C.F.R. § 280.34 requires owners and operators to cooperate fully with the implementing agency concerning submission of information. Pursuant to 40 C.F.R. § 280.34(a), owners and operators must submit to the implementing agency the information gathered pursuant to: 40 C.F.R. §§ 280.20(e) and 280.22 (*see* 40 C.F.R. § 280.34(a)(1)); 40 C.F.R. §§ 280.50, 280.53, and 280.61 (*see* 40 C.F.R. § 280.34(a)(2)); 40 C.F.R. §§ 280.62, 280.63, 280.64, 280.65, and 280.66 (*see* 40 C.F.R. § 280.34(a)(3)); and 40 C.F.R. § 280.71 (*see* 40 C.F.R. § 280.34(a)(4)). Pursuant to 40 C.F.R. § 280.34(b), the records that are required to be maintained and readily accessible for inspection include: (1) a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (required for tanks by 40 C.F.R. § 280.20(a)(4) and required for piping by 40 C.F.R. § 280.20(b)(3)), (*see* 40 C.F.R. § 280.34(b)(1)); (2) documentation of operation of corrosion protection equipment (required by 40 C.F.R. § 280.31), (*see* 40 C.F.R. § 280.34(b)(2)); (3) documentation of UST system repairs (required by 40 C.F.R. § 280.33(f)), (*see* 40 C.F.R. § 280.34(b)(3)); (4) recent compliance with release detection requirements (required by 40 C.F.R. § 280.45), (*see* 40 C.F.R. § 280.34(b)(4)); and (5) results of the site investigations conducted at permanent closure (required by 40 C.F.R. § 280.74), (*see* 40 C.F.R. § 280.34(b)(5)).

Examples of information that may be requested in the information request letter --

1. Release detection records from the automatic tank gauge (ATG) for each UST for the past 12 months. These records may be in the form of monthly 0.2 gallon per hour leak tests (12 total for each UST), or complete 12-month leak test histories for all three USTs (pursuant to the 40 C.F.R. § 280.45);
2. Records relating to annual line tightness tests [pursuant to 40 C.F.R. § 280.41(b)(1)(ii)];
3. Records relating to annual tests of the line leak detectors [pursuant to 40 C.F.R. § 280.44(a)];
4. Records relating to cathodic protection tests, due every 3 years [pursuant to 40 C.F.R. § 280.31(b)(1)];
5. Verification of annual functionality testing of the ATG [pursuant to 40 C.F.R. § 280.45 (c)];
6. The most recent EPA UST Notification Form for the facility [pursuant to 40 C.F.R. § 280.22(a)];
7. Reports of any suspected releases, or spills and overfills [pursuant to 40 C.F.R. §§ 280.50 and 280.53]; and.
8. Report of any repairs [pursuant to 40 C.F.R. §§ 280.33].

Pursuant to Section 9001 *et seq.* of RCRA and the regulations promulgated at 40 C.F.R. Part 280, EPA is authorized to request owners and operators of USTs to: 1) furnish information relating to such USTs, associated equipment, and contents; 2) conduct monitoring and testing; and 3) undertake corrective action with respect to any release of petroleum, pursuant to Section 9005 of RCRA, 42 U.S.C. § 6991d, and 40 C.F.R. §280.34. Facilities to which the requests are submitted would be required to copy, print or scan records maintained at their facility or at a readily accessible location. Electronic records could be transmitted electronically to the USTPO at little or no cost and hard copies of records would need to be transmitted by mail, facsimile or other means, such as courier or messenger service or by hand-delivery, to the USTPO.

## **5. THE INFORMATION COLLECTED – AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT**

This section discusses how EPA or the implementing agency will collect and manage the information received from respondents. This section also includes a discussion of how EPA has taken steps to make sure the information collections are not overly burdensome on small entities.

## **5(a) Agency Activities**

### **(1) Technical and Financial Responsibility Requirements**

Most information required of UST owners and operators is maintained in records at a facility and is only formally submitted to EPA or the implementing agency if requested. This analysis assumes that the Agency will spend a minimal amount of time reviewing these data during facility inspections.

This ICR assumes that EPA or the implementing agency reviews and files submitted information, including notification forms; site, chemical property, and health information; information on suspected releases, spills, or overfills; site characterizations; abatement procedure information; free product information; soil and groundwater information; corrective action plans and implementation reports; and applicable financial assurance information. Much of the information listed above is also entered into a database for the purposes of recordkeeping and analysis.

EPA or the implementing agency must notify owners and operators of approval or disapproval of corrective action plans. EPA or the implementing agency also is responsible for conducting public involvement activities, such as notifying the public of a release or failure to remediate a release sufficiently. EPA or the implementing agency also must notify owners and operators if they fail to meet the requirements of financial assurance at any time.

### **(2) State Program Approval Procedures**

States applying for program approval must follow procedures at 40 CFR Part 281. EPA must review and file program applications and all associated information, as described in §281.50. EPA must determine approval or disapproval for all new or revised state program applications. EPA is required to issue public notice of all decisions and consider public comments. EPA must issue public notice of any transfer of program responsibilities. EPA also must inform a state with an approved program if the Agency is planning to take enforcement action against violators of the UST regulations.

## **Region IX**

Most information required of UST owners and operators is maintained in records at the facility and is only formally submitted to EPA or the implementing agency if requested. This analysis assumes that the USTPO will spend a minimal amount of time reviewing these data, once it is submitted to the USTPO in response to a written request.

This revision to the existing, original ICR assumes that the USTPO reviews and files submitted information, including corrosion experts' analyses of site corrosion potential if corrosion protection equipment is not used; documentation of operation of corrosion protection equipment; documentation of UST system repairs; recent compliance with release detection requirements; results of the site investigations conducted at permanent closure; and applicable financial assurance information. Much of the information listed above is also entered into a database for the purpose of recordkeeping and analysis.

## **5(b) Collection Methodology and Management**

In collecting and analyzing the information associated with this ICR, EPA or the implementing agency uses electronic equipment such as personal computers and database and modeling software, as applicable. EPA or the implementing agency ensures the accuracy and completeness of the collected information by reviewing each submittal.

## **5(c) Small Entity Flexibility**

In promulgating the UST regulations covered under this ICR, EPA attempted to minimize the reporting and recordkeeping burden for small businesses. In addition, EPA provided flexibility to small- and medium-sized owners and operators of petroleum USTs for meeting financial responsibility requirements in order to reduce burden and cost to these groups.

### **Region IX**

In drafting the information request letters covered under this revision to the existing ICR, EPA attempted to minimize the reporting and recordkeeping burden for small businesses by including the following statement in each written request for information:

“If you are a small business within the meaning of the Small Business Act and you are unable to provide the information requested within the specified time period, please call La Donna Thomas of the U.S. EPA Region 9 Underground Storage Tank Program Office at 415-972-3375 to discuss your options.”

## **5(d) Collection Schedule**

### **(1) Technical and Financial Responsibility Requirements**

EPA or the implementing agency collects information on a one-time, ongoing, or special circumstance basis. EPA or the implementing agency collects various types of data according to the following schedules:

- *One-time collections*: Notification forms, certification of compliance with corrosion protection and system installation, alternative technology information and demonstrations, excavation zone assessments, closure records, and change-in-service forms.
- *Ongoing collections*: Inspection and testing of corrosion protection; performance of release detection; maintenance of installation, inspection, corrosion protection, repair, release detection, and financial responsibility records.
- *Special circumstance collections*: Release reporting and response information, including site information and characterization, chemical property and health

information, abatement reports, free product removal reports, soil and groundwater investigation information, corrective action plans, and implementation reports.

## **(2) State Program Approval Procedures**

States applying for program approval submit most of their information in a one-time application, but also must submit additional information if requested by EPA. EPA collects all submitted information according to the following frequency:

- *One-time collections*: Complete program application and associated information and revised application.
- *Special circumstance collections*: Withdrawal of approval of state program information, transfer of program information, and plans for the transfer of program responsibilities.

## **Region IX**

The requests that are subject to this ICR revision will be collected on an ongoing basis.

# **6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION**

## **6(a) Estimating Respondent Burden**

Exhibits 1 and 2 present EPA's estimates of the information collection burdens on respondents for all information collection requirements covered in this ICR. Exhibit 1 covers information collection burdens on owners and operators. Exhibit 2 covers information collections on state agencies associated with state program approvals. The burden estimates for each activity presented in Exhibits 1 and 2 include the burden hours (total and by labor type) per respondent, as well as the overall burden hours for all respondents.

For certain information collection activities, Exhibit 1 presents a burden for both the owner/operator and for any contractors hired by the owner/operator. For example, for the activity "Gather information" under "Reporting of Suspected Releases (§280.50)," this ICR assumes that owner/operators will spend 5 hours associated with this information collection activity and that contractors billing by the hour will spend 51 hours on this activity. In total, the owner/operator time plus contractor time necessary to fulfill this information collection activity is 56 hours.

## **Region IX**

The burden and cost estimates for the additional reports that the EPA Region 9 USTPO plans to request will likely be incurred by the recipients in submitting these documents in response to the

Region's requests. We estimate the burden to be up to approximately 2 hours and cost approximately \$58.05 per response for time, photocopying and postage for 500 facilities for a total cost of up to approximately \$29,025 annually. This estimate is based on information provided by UST facilities, standard postage, and average photocopying. This cost would be significantly lower if the documents are submitted electronically.

EPA estimates that the increased annual public reporting and recordkeeping burden to the approximately 500 facilities to whom the information requests would be sent annually would average up to 2 hours per response. Burden means the total time, effort, or financial resources expended by persons in terms of gathering, copying and mailing the requested records. EPA estimates that facilities receiving the information collection request would expend roughly \$7.00 in copying costs per response per facility (although transmitting the records electronically would be likely to cost far less). EPA also believes that the time it will take to gather the documents which will likely be requested would not exceed two hours per facility, which would translate to roughly \$50.00 on average annually for each of the 500 facilities, covering the approximate hour that would be needed for an employee to gather and copy the records. Thus, EPA estimates that a total of approximately \$29,025 (roughly \$58.05 per response in copying costs, employee time, and postage) would be borne by the regulated community as a whole annually as a result of the proposed increase in scope of the Agency's existing ICR (or, roughly \$58.05 per each of the 500 facilities to which the response would be sent, constituting roughly \$7.00 in copying costs, \$1.05 postage and \$50.00 in employee time). Costs of responding to the information request letters would likely be borne by the individual facilities on an annual basis.

## **6(b) Estimating Respondent Costs**

EPA estimates respondent costs for all activities covered in this ICR in Exhibits 1 and 2. These costs are based on the cost of labor, capital, and operation and maintenance (O&M).

### **Labor Costs**

Table 3 shows the estimated average hourly labor cost (including overhead and fringe), by labor category, for facilities/contractors and states.<sup>11</sup> These labor rates were used to calculate the labor cost to all respondents in conducting the reporting and recordkeeping activities covered in this ICR, as shown in Exhibits 1 and 2.

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<sup>11</sup> Note that, for purposes of this ICR, states are considered to be *respondents* when they submit documents to EPA to satisfy applicable 40 CFR regulations (e.g., applying for EPA approval of state program). States are considered to be *regulators* when administering a regulatory program (e.g., receiving UST release reports from facilities).

**Table 3**  
**Estimated Average Hourly Respondent Labor Cost, by Labor Category**

<b>Respondent</b>	<b>Legal</b>	<b>Managerial</b>	<b>Technical</b>	<b>Clerical</b>
Facilities/Contractors	\$108	\$59	\$28	\$19
States	\$79	\$87	\$43	\$29

To obtain hourly labor costs for facilities/contractors and states, EPA referred to May 2013 mean hourly wages provided by the Bureau of Labor Statistics (BLS).<sup>12,13</sup> EPA adjusted these 2013 wages to 2014 dollars using the BLS Employment Cost Index.<sup>14</sup> EPA then factored in the costs of fringe benefits: 29 percent of total compensation for facilities/contractors, and 41.4 percent of total compensation for states.<sup>15</sup> EPA then added an overhead factor of 12 percent for facilities/contractors and states.<sup>16</sup>

<sup>12</sup> Data source for legal labor costs: BLS, May 2013 National Occupational Employment and Wage Estimates by ownership, [http://www.bls.gov/oes/current/ownership\\_data.htm](http://www.bls.gov/oes/current/ownership_data.htm). Mean hourly wages for lawyers. For facilities and contractors, mean hourly wages are from the “Cross-industry, private ownership only” tables (occupation code 23-1011), <http://www.bls.gov/oes/current/000001.htm>. For states, mean hourly wages are from the “State government, including schools and hospitals” tables, <http://www.bls.gov/oes/current/999201.htm>.

<sup>13</sup> Data source for managerial, technical, and clerical labor costs: BLS, May 2013 National Industry-Specific Employment and Wage Estimates, NAICS 447000 - Gasoline Stations, [http://www.bls.gov/oes/current/naics3\\_447000.htm](http://www.bls.gov/oes/current/naics3_447000.htm). Mean hourly wages for management occupations (occupation code 11-0000), first-line supervisors/managers of transportation and material-moving machine and vehicle operators (occupation code 53-1021), and office clerks, general (occupation code 43-9061).

<sup>14</sup> BLS Employment Cost Index, “Table 1. Employment Cost Index for total compensation, by occupational group and industry (Seasonally adjusted)”; available at <http://www.bls.gov/web/eci/echistrynaics.pdf>. For facilities/contractors, the index for private industry was used. For states, the index for state and local government was used.

<sup>15</sup> BLS, Employer Costs for Employee Compensation; available at <http://www.bls.gov/news.release/ecec.toc.htm>. For facilities/contractors, see “Table 10. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by industry group, December 2013”, using line “All workers, service-providing industries.” For states, see “Table 4. Employer costs per hour worked for employee compensation and costs as a percent of total compensation: State and local government workers, by occupational and industry group, December 2013”, using the “Service” occupational group.

<sup>16</sup> Office of Management and Budget, Circular No. A-76 (Revised); available at [http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a076/a76\\_incl\\_tech\\_correction.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a076/a76_incl_tech_correction.pdf). See Figure C-1, page C-4.



## Capital Costs

Capital costs usually include any produced physical good needed to provide the information, such as machinery, computers, and other equipment. For this ICR, capital costs include the cost of monitoring equipment for facilities that choose to comply with release detection requirements by using vapor monitoring, groundwater monitoring, or interstitial monitoring methods. These capital costs are shown in Exhibit 1. They are described further in section 6(d).

## Operation and Maintenance (O&M) Costs

O&M costs are those costs associated with a paperwork requirement incurred continually over the life of the ICR. They are defined by the Paperwork Reduction Act of 1995 as “the recurring dollar amount of costs associated with O&M or purchasing services.” For this ICR, O&M costs include:

- *Mailing costs:* EPA estimates that respondents will incur a cost of \$0.51 to mail a 1-ounce package (i.e., \$0.49 for postage and \$0.02 for a standard-size envelope). EPA also estimates that respondents will incur a cost of \$5.22 for mailing a larger package (i.e., a 5-ounce package) by certified mail (i.e., \$1.82 for postage, \$3.30 for the certified mail fee, and \$0.10 for a large envelope).
- *Photocopying costs:* EPA estimates that respondents will incur a cost of \$0.14 for each photocopy they make.
- *Purchase of contractor or laboratory services:* Owners and operators of USTs will incur O&M costs for contractor and laboratory services. These O&M costs are in addition to the labor costs of contractors who bill by the hour; contractors’ hourly labor costs are included in the “labor costs” category. These O&M costs are described further in section 6(d) for all applicable respondent activities.

These O&M costs are shown in Exhibits 1 and 2.

## 6(c) Estimating Agency Burden and Cost

EPA estimates the Agency hour and cost burden associated with all information collection requirements covered in this ICR in Exhibits 3 and 4. As shown in the exhibits, EPA estimates an average hourly labor cost of \$109 for legal staff (GS-15, Step 5), \$69 for managerial staff (GS-13, Step 1), \$48 for technical staff (GS-11, Step 1), and \$29 for clerical staff (GS-6, Step 1). To derive these hourly estimates, EPA referred to unloaded (base) hourly rates for various labor categories in the federal government from the U.S. Office of Personnel Management.<sup>17</sup> EPA

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<sup>17</sup> U.S. Office of Personnel Management. Locality pay area of Washington-Baltimore-Northern Virginia, DC-MD-VA-WV-PA. Salary Table 2014-DCB (effective January 2014); available at [https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/14Tables/html/DCB\\_h.aspx](https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/14Tables/html/DCB_h.aspx).

then applied the standard government loading factor of 60 percent, which includes fringe benefits and overhead.

## **Region IX**

EPA estimates the Agency hour and cost burden associated with all information collection requirements covered in this ICR in Exhibits 3 and 4. EPA estimates an average hourly labor cost of \$47.89 for technical staff (GS-11, Step 1). To derive these hourly estimates, EPA referred to unloaded (base) hourly rates for labor categories in the Federal Government from the U.S. Office of Personnel Management. EPA then applied the standard government loading factor of 60 percent, which includes fringe benefits and overhead.

Agency staff will spend an estimated 15 minutes reviewing each submission, for a total of 125 hours and cost of \$5,986.25.

### **6(d) *Estimating the Respondent Universe and Total Burden and Costs***

#### **(1) Respondent Universe**

##### **(a) Technical and Financial Responsibility Requirements**

Table 4 presents the estimated non-federal UST universe over the three years covered by this ICR. As shown in the table, EPA estimates there will be an average of 572,201 USTs in operation during this period. EPA also estimates that, each year, owners and operators will close an average of 16,335 USTs and install an average of 9,900 new USTs. EPA estimates that some of the new USTs will be installed at new facilities (i.e., facilities that have not operated USTs in the past), with the remainder of new USTs installed at existing UST facilities.

**Table 4**  
**Estimated Annual Average Non-Federal UST and Facilities Universe (2014-2016)**

	<b>Conventional USTs<sup>a</sup></b>	<b>Emergency Generator Tanks (EGTs)<sup>b</sup></b>	<b>Totals</b>
<b>Underground Storage Tanks</b>			
Existing USTs	555,035	17,166	572,201
New USTs installed	9,603	297	9,900 <sup>c</sup>
USTs closed	15,845	490	16,335 <sup>c</sup>
<b>Facilities with USTs<sup>d</sup></b>			
Existing facilities	204,810	6,334	211,144
New facilities	3,544	109	3,653
<i>Notes:</i>			
<sup>a</sup> Conventional USTs are subject to all requirements under 40 CFR Part 280.			
<sup>b</sup> EPA assumes that 3 percent of UST systems are EGTs. EGTs are currently deferred from 40 CFR Part 280 Subpart D (release detection) but are subject to all other requirements under 40 CFR Part 280.			
<sup>c</sup> Based on EPA's UST end-of-year performance measure reports ( <a href="http://www.epa.gov/oust/cat/camarchv.htm">http://www.epa.gov/oust/cat/camarchv.htm</a> ), an average of about 16,500 USTs have closed and 10,000 USTs have been installed per year during 2011-2013. EPA assumes that 99 percent of USTs are not owned by the federal government.			
<sup>d</sup> According to EPA data, the average number of UST systems per facility (across all sectors that use conventional UST systems or EGTs) is approximately 2.71 ("Summary of Key Data from State Public Record Postings," October 25, 2013).			

**(b) State Program Approval Procedures**

Table 5 presents the estimated number of states expected to seek and obtain EPA program approval during the three-year period covered by this ICR. EPA expects one state, on average, to seek program approval each year.

**Table 5**  
**Annual Number of States Expected to Receive**  
**EPA Program Approval during the Period Covered by the ICR**

	<b>Number of State Program Approvals per Year</b>			<b>Average Annual Number of State Program Approvals, 2014 to 2016</b>
	<b>Year 2014</b>	<b>Year 2015</b>	<b>Year 2016</b>	
State Program Approvals	1	1	0	1 <sup>a</sup>
<i>Note:</i>				
<sup>a</sup> This number has been rounded from 0.7 to 1.				

## **(2) Total Hour and Cost Burden**

### **(a) Technical and Financial Responsibility Requirements**

40 CFR Part 280 requires owners and operators of USTs to meet specific technical and financial responsibility requirements. Information collecting, reporting, and recordkeeping may be required on a one-time, ongoing, or special circumstance basis. The remainder of this subsection describes how EPA arrived at each of the respondent estimates in Exhibit 1.

#### **(a1) Program Scope and Interim Prohibition**

EPA expects all owners and operators of deferred UST systems to equip them with corrosion protection if these systems are made of steel. Therefore, EPA expects that no owners or operators will have to read this part of the regulations, have a corrosion expert assess their sites, or maintain records.

#### **(a2) UST Systems: Design, Construction, Installation, and Notification**

The owners and operators of newly regulated facilities will read the design, construction, installation, and notification regulations. Thus, this activity will take place each year at an average of 3,653 facilities (see Table 4).

EPA expects all owners and operators to equip UST systems with corrosion protection if these systems are made of steel. Therefore, EPA expects that no owners or operators will have a corrosion expert assess their sites or have to maintain records.

EPA data indicates that 390 existing tanks have been upgraded with an internal lining to meet corrosion protection requirements. EPA expects all owners and operators of these UST systems to inspect their tanks every five years. EPA estimates that each year, 78 tanks (i.e.,  $390 / 5 = 78$ ) will undergo the required five-year inspection. Owners and operators of lined tanks also are expected to maintain inspection records for all tanks with an internal lining to meet corrosion protection requirements.<sup>18</sup>

EPA believes that tank owners and operators will incur additional O&M costs for tank interior lining inspection. The O&M cost for tank interior lining inspection is \$1,580, which includes a \$1,461 contractor fee for conducting the inspection and \$119 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

EPA expects owners and operators to prepare and submit a certificate of installation and a notification in a single form for a new or replaced facility with USTs or for a new or replaced

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<sup>18</sup> Although §280.21(b) does not explicitly require maintenance of inspection records, the regulations do require the use of a code of practice developed by a nationally recognized association or independent testing laboratory in order to comply with the regulations under this section. Because most of these codes of practice require maintenance of inspection records, EPA has included this burden in this ICR. In addition, EPA notes that it may use these inspection records for enforcement purposes.

individual UST system. EPA estimates that 75 percent of new USTs are installed together with other new USTs, with 2.71 USTs per facility (i.e., number of notifications =  $75\% * 9,900 / 2.71$ ), and 25 percent of new USTs are installed as a single UST at a facility (i.e.,  $25\% * 9,900$ ). Thus, EPA expects an average of 5,215 installation and notification submittals each year (see Table 4).

EPA estimates that 10 percent of USTs (i.e.,  $10\% * 572,201 = 57,220$  USTs) are sold each year. Owners and operators selling an UST must inform the buyer of his or her notification obligations.

### **(a3) General Operating Requirements**

EPA assumes that owners and operators of newly regulated facilities will read the regulations on general operating requirements (i.e., 3,653 annually).

In addition, owners and operators of steel USTs with cathodic protection are required to have their cathodic protection systems tested within six months of installation, once every three years thereafter and within six months of the repair of any cathodically protected system. EPA estimates that 45 percent of USTs (i.e.,  $45\% * 572,201 = 257,491$ ) are protected by cathodic systems.<sup>19</sup> Thus, EPA estimates that, on average, 85,830 tanks (i.e.,  $257,491 / 3 = 85,830$ ) will undergo the required three-year inspection each year during the three-year period covered by this ICR. EPA estimates that 5 percent of USTs will be repaired each year. Therefore, EPA estimates that 5 percent of USTs with cathodically protected systems (i.e.,  $5\% * 257,491 = 12,875$ ) will have their cathodic protection system tested within six months of a repair. Together, EPA estimates that 98,705 USTs (i.e.,  $85,830 + 12,875 = 98,705$ ) will be inspected each year during the three-year period covered by this ICR.<sup>20</sup>

EPA estimates that of the 257,491 USTs with cathodic protection, 50 percent (i.e., 128,746 USTs) are protected by sacrificial anode cathodic systems and 50 percent (i.e., 128,746 USTs) are protected by impressed current cathodic systems. Owners and operators of impressed current cathodic systems must conduct inspections every 60 days (i.e., six times per year). Typically, each facility has one impressed current system that needs to be inspected.<sup>21</sup> Therefore, EPA estimates that 285,046 inspections of impressed current cathodic systems (i.e.,  $128,746 / 2.71 * 6 = 285,046$ ) will be conducted each year.

Facilities have to maintain records of all cathodic protection system inspections conducted on an every-three-years basis and records of cathodic protection system inspections conducted as a result of repairs (i.e., 98,705 USTs).<sup>22</sup> In addition, facilities with USTs protected by impressed current cathodic systems will have to maintain the results of the last three facility inspections of the cathodic protection equipment (i.e.,  $(3/6) * 285,046 = 142,523$ ). Thus, facilities will have to

<sup>19</sup> Based on EPA's best professional judgment.

<sup>20</sup> This ICR does not include the burden of cathodic protection system inspections required within six months of installation due to lack of sufficient data; as a result, this ICR slightly underestimates total burden for general operating requirements.

<sup>21</sup> A single facility usually has only one rectifier, which requires checking every 60 days.

maintain a total of 241,229 records (i.e.,  $98,705 + 142,523 = 241,229$ ) associated with the inspection of cathodic protection systems.

EPA expects facilities to incur O&M costs of \$286 paid to certified contractors to test tanks' cathodic protection system. This ICR does not cover the capital cost for purchasing rectifiers for impressed current systems because such equipment is purchased as a standard business practice to monitor tank performance.

Owners and operators also are required to maintain records for each repair made to an UST system. EPA estimates that 5 percent of USTs will be repaired each year, for a total of 28,610 annual repairs (i.e.,  $5\% * 572,201 = 28,610$ ). EPA estimates that 20 percent of repaired USTs will also have tightness tests conducted (i.e.,  $20\% * 28,610 = 5,722$ ). EPA believes that tank owners and operators will incur additional O&M costs for tightness testing. The O&M cost for tightness testing is \$566, which includes a \$453 contractor fee for performing the test and \$113 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

[NOTE: §§280.34(a) and (b) respectively summarize reporting and recordkeeping requirements for UST owners and operators and cross-reference the 40 CFR Part 280 sections that describe these requirements in detail. This ICR describes these reporting and recordkeeping burdens in each of the respective sections.]

#### **(a4) Release Detection**

Owners and operators must have a compliant leak detection system installed at each UST. §280.43 describes acceptable methods and required maintenance activities. Owners and operators must record the results of tests or measurements at prescribed intervals. Table 6 presents EPA's estimates of the number of owners and operators choosing each detection system option and the information collection requirements associated with each option.

All 3,544 owners and operators of new conventional UST facilities are expected to read the release detection regulations.<sup>23,24</sup>

Because the methodologies set forth under inventory control, manual tank gauging, and automatic tank gauging (§§280.43(a) through (c)) describe activities that conventional UST operators perform as standard business practices, they are not included as burdens in this ICR. EPA expects that all of the facilities using inventory control and facilities using manual tank

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<sup>22</sup> Under §280.31(b), facilities are required to maintain records of the last two inspections of the cathodic protection system. This ICR assumes that facilities will conduct one of these two inspections during the three-year period covered in this ICR. The ICR further assumes that the other inspection was already conducted, and that the facilities are already maintaining the results.

<sup>23</sup> EGTs are not subject to 40 CFR Part 280, Subpart D (Release Detection) and are therefore are not burdened in this ICR for Subpart D release detection requirements.

<sup>24</sup> EPA expects that owners and operators of existing UST facilities have already read the release detection regulations (40 CFR Part 280, Subpart D).

gauging with tank tightness testing will perform a tank tightness test every five years.<sup>25</sup> Thus, EPA expects that, each year, facilities will perform tank tightness testing on 7,770 conventional USTs with an inventory control system (i.e.,  $38,852 / 5 = 7,770$ ) and on 3,330 conventional USTs with manual tank gauging (i.e.,  $16,651 / 5 = 3,330$ ). EPA estimates that facilities will incur contractor-related O&M costs of \$566 for the cost of performing each tank tightness test. This O&M cost includes a \$453 contractor fee for performing the test and \$113 to cover the cost of the tank being out-of-service for one day (i.e., lost profit).

Facilities that choose to comply with release detection requirements by using either vapor monitoring, groundwater monitoring, or interstitial monitoring methods will incur capital costs for monitoring equipment.<sup>26</sup> The annualized cost of a vapor monitoring system (control box with sensors), assuming an average of four 20-foot-deep wells, amounts to an estimated \$733 *per facility*.<sup>27</sup> The annualized cost of a groundwater monitoring system is estimated at \$469 *per facility*.<sup>28</sup> The annualized cost of an interstitial monitoring system (control box with sensors), including installation costs, is approximately \$384 *per tank*.<sup>29</sup> Maintenance of the monitoring sensors is not considered a significant cost because maintenance of the sensors is inexpensive.

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<sup>25</sup> EPA expects that all tanks will be tested every five years because the 1998 deadline required the closure of all tanks for which annual testing was required.

<sup>26</sup> Capital costs were annualized over 20 years (i.e., the expected life of equipment) using OMB's approved discount rate of 7 percent (OMB Circular A-94).

<sup>27</sup> Prior to discounting, estimated purchase price is \$7,765.

<sup>28</sup> Prior to discounting, estimated purchase price is \$4,969.

<sup>29</sup> Prior to discounting, estimated purchase price is \$4,068.

**Table 6**  
**Leak Detection Systems Installed at Conventional USTs**

<b>UST Leak Detection System</b>	<b>Estimated Percent of USTs Using System <sup>a</sup></b>	<b>Estimated Number of Conventional USTs Using System</b>	<b>Associated Information Collection Requirements and Collection Frequencies</b>
Inventory control and tightness testing	7	38,852	Record daily inventory volume measurements (standard business practice; therefore, there is no incremental labor burden); record monthly water level measurements (standard business practice; there is no incremental labor burden).
Manual tank gauging with tank tightness testing	3 <sup>b</sup>	16,651	Record two consecutive weekly tank liquid level measurements, taken at the beginning and end of a minimum period (standard business practice; there is no incremental labor burden).
Manual tank gauging only (i.e., without tank tightness testing)	3	16,651	Record two consecutive weekly tank liquid level measurements, taken at the beginning and end of a minimum period (standard business practice; there is no incremental labor burden).
Automatic tank gauging	34 <sup>b</sup>	188,712	Record results of monthly automatic product level monitoring; record results of daily inventory control tests (automated activity; therefore there is no incremental labor burden).
Vapor monitoring	5	27,752	Record results of monthly vapor monitoring.
Groundwater monitoring	5	27,752	Record results of monthly groundwater monitoring.
Interstitial monitoring	20 <sup>b</sup>	111,007	Record results of monthly interstitial monitoring.
Other method (e.g., statistical inventory reconciliation)	13	72,155	No activities specified in the federal regulations. However, the implementing agency may specify certain activities to be conducted by owner or operator (e.g., record test results).
<b>Leak Detection System for Piping</b>			
Line leak detectors	84	466,230	Conduct annual test of the operation of the automatic line leak detection test and record results.
Line tightness testing	37	205,363	Conduct annual line tightness test and record results.
<i>Notes:</i>			
<sup>a</sup> Percentages are based on EPA research, except where noted. Total will add up to more than 100 percent, because multiple release detection systems can be used in the same UST system.			
<sup>b</sup> Based on EPA's best professional judgment.			



EPA estimates that 84 percent of conventional USTs use line leak detectors to detect catastrophic releases from piping. Thus, facilities are expected to conduct an annual line leak detector test on 466,230 tanks (i.e.,  $84\% * 555,035 = 466,230$ ). The cost of purchasing line leak detectors is not included as a burden in this ICR, because the use of these devices is a standard business practice. EPA estimates that 37 percent of conventional USTs use line tightness testing to detect releases from piping.<sup>30</sup> These facilities are expected to conduct an annual line tightness test on 205,363 tanks (i.e.,  $37\% * 555,035 = 205,363$ ).

EPA expects that each year, every conventional UST facility (i.e., 204,810 facilities) will maintain records of their test and measurement results, regardless of the release detection method used.

***(a5) Release Reporting, Investigation, and Confirmation***

EPA assumes that owners and operators of newly regulated facilities will read the regulations on release reporting, investigation and confirmation (3,653 annually).

EPA estimates that each year, 6,000 uncontrolled releases from USTs will be confirmed. Assuming that 60 percent of suspected releases are confirmed, EPA estimates that every year, 10,000 owners and operators will suspect that a release has occurred from one of their USTs.<sup>31</sup> These owners and operators will gather information and submit a report on the suspected release. When characterizing a suspected leak, EPA believes that facilities will incur contractor-related O&M costs of \$2,973 associated with basic soil characterization work and lab analysis activities.

***(a6) Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances***

EPA assumes that owners and operators of newly regulated facilities will read the regulations on release response (i.e., 3,653 annually).

Owners and operators must provide information on all 6,000 confirmed releases. Owners and operators of facilities with releases also must gather information, and prepare and submit reports on initial abatement measures and initial site characterization. EPA assumes that facilities will incur O&M costs in preparing a summary report of the initial abatement steps based on information obtained from initial characterization activities. This activity could require additional sampling and analysis depending on the scope of the problem. EPA assumes that facilities will incur contractor-related O&M costs in gathering, preparing, and submitting information for the initial site characterization, as this activity often requires sampling well

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<sup>30</sup> Based on program experience, EPA believes that approximately 84 percent of the lines are pressurized and 16 percent are suction lines. However, EPA was unable to estimate the number of suction lines that require leak detection monitoring and use three-year line tightness testing. Therefore, this ICR assumes that all lines used are pressurized piping for line tightness testing calculations. Because suction lines do not have to comply with certain leak detection requirements, this ICR overestimates the burden for this section.

<sup>31</sup> These data are based on historical tank release records maintained by EPA.

borings and laboratory analyses.

EPA estimates that initial investigations at 20 percent of confirmed releases (i.e.,  $20\% * 6,000 = 1,200$  releases) will identify the presence of free product. These facilities must prepare and submit a free product removal report, thereby incurring contractor-related O&M costs.

EPA estimates that initial investigations at 75 percent of confirmed releases (i.e.,  $75\% * 6,000 = 4,500$  releases) will demonstrate that soil and groundwater investigations are warranted. These facilities are expected to gather information and prepare and submit reports. Facilities will incur further contractor-related O&M costs preparing soil and groundwater investigation reports. Additional characterization work could be required depending on the scope of the release and the geology of the site.

EPA estimates that initial investigations at 60 percent of confirmed releases (i.e.,  $60\% * 6,000 = 3,600$  releases) will demonstrate that corrective action is warranted. These facilities must prepare and submit a corrective action plan and report on the results of corrective action implementation. EPA estimates that at 10 percent of these releases (i.e.,  $10\% * 3,600 = 360$  releases), the owner or operator will notify the implementing agency that they will begin corrective action before they receive corrective action plan approval. The Agency believes that facilities will incur contractor-related O&M costs when preparing a corrective action plan and reporting (quarterly) the results of a corrective action implementation plan.

**(a7) Out-of-Service UST Systems and Closure**

EPA estimates that owners and operators will close 16,335 USTs each year (see Table 4). EPA estimates that each year, 6,028 owners and operators of closing facilities (i.e.,  $16,335 \text{ USTs} / 2.71 \text{ USTs per facility} = 6,028$ ) will read the out-of-service UST systems and closure regulations. Owners of these closing USTs must notify the implementing agency of closure, conduct an excavation zone assessment, and maintain closure records.

EPA estimates that facilities will incur contractor-related O&M costs when conducting a site assessment of an excavation zone. EPA further estimates that for 25 percent of these USTs, owners and operators will not be able to maintain the records on-site for each UST closure. These owners and operators must mail closure records for 4,084 USTs (i.e.,  $25\% * 16,335 = 4,084$ ) to the implementing agency each year.

**(a8) Financial Responsibility<sup>32</sup>**

EPA assumes that owners and operators of newly regulated facilities will read the financial responsibility regulations (i.e., 3,653 owners and operators annually).<sup>33</sup>

<sup>32</sup> Although financial responsibility is not required for hazardous substance tanks, this ICR does not remove hazardous substance tanks from the financial responsibility analysis due to lack of sufficient data. Therefore, this ICR slightly overestimates the burden for financial responsibility.

<sup>33</sup> While EPA has included the requirement to obtain financial assurance as an annual burden, it is expected that all existing UST owners and operators have already read the financial responsibility

40 CFR Part 280, Subpart H requires owners and operators to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental UST releases. A current certificate of financial responsibility must be maintained at each site where USTs are located. According to EPA data, approximately 70 percent of UST facilities demonstrate financial responsibility through a state fund or other state assurance, with the remaining 30 percent of facilities using one or more of the other mechanisms described in 40 CFR Part 280, Subpart H. All 211,144 facilities will have to perform the respondent activities associated with their financial responsibility mechanism, as described in section 4 of this ICR, and keep on file a certification of financial responsibility. [NOTE: This ICR covers the burden associated with these activities under §280.110 (reporting) and §280.111 (recordkeeping).]

In addition to maintaining financial responsibility records, facilities with confirmed releases (estimated at 6,000 releases per year) will submit their records to EPA or the implementing agency under §280.110(a)1 as a result of a release. EPA also expects 25 percent of the overall universe of facilities (i.e.,  $25\% * 211,144 = 52,786$  facilities) to update their certification each year to reflect changes in their financial assurance mechanism.

EPA estimates that providers of financial assurance will cancel or fail to renew policies at 2 percent of UST facilities (i.e.,  $2\% * 211,144 = 4,223$  facilities) each year. EPA also estimates that 10 percent of those facilities experiencing a cancellation or non-renewal (i.e.,  $10\% * 4,223 = 422$  facilities) will be unable to obtain alternative financial coverage within 60 days and will notify the implementing agency of such failure.

EPA estimates that each year, an additional 1 percent of UST facilities (i.e.,  $1\% * 211,144 = 2,111$  facilities) will experience a disruption in financial coverage due to bankruptcy. EPA estimates that 10 percent of those owners or operators experiencing such a disruption (i.e.,  $10\% * 2,111 = 211$  facilities) will be unable to obtain alternative financial coverage within 60 days and will notify the implementing agency of such failure.

## **(b) State Program Approval Procedures**

40 CFR Part 281 outlines procedures that states must follow to obtain approval to implement their own UST program in lieu of the federal program. Based on recent program data, EPA estimates that two states (or territories) will apply for state program approval over the next three years. For the purposes of this ICR, it is assumed that an average of one state will apply for state program approval each year.

States applying for state program approval must submit an application to EPA for review under §281.50. The application includes a transmittal letter, a description of the state program, information on enforcement procedures, a memorandum of agreement with EPA, an attorney general's statement, and copies of state statutes and regulations. These states must also allow for

regulations. Therefore, this ICR assumes that owners and operators of only the owners and operators of newly regulated facilities will read the financial responsibility regulations each year (i.e., 3,653 owners and operators annually).

public notice and comment on their efforts to develop their underground storage tank programs.

All approved programs must maintain files and current information on program administration. There are currently 40 approved state programs.<sup>34</sup> Between 2014 and 2016, EPA assumes that an average of 42 state programs will maintain files on program administration. Finally, EPA estimates that it will ask one state per year to submit this information.

EPA expects that no states will be submitting revised state program applications over the next three years. EPA does not expect any states to withdraw or transfer portions of their programs.

Respondent burden hours and costs for the activities included as burdens under this ICR are shown in Exhibits 1 and 2. The burden and cost for Agency activities are shown in Exhibits 3 and 4.

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<sup>34</sup> As of February 2012, 38 states, the District of Columbia, and the Commonwealth of Puerto Rico have approved programs.

**EXHIBIT 1**  
**ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.25	0.25	1.00	\$53.58	\$0.00	\$0.00	0	0	\$0
<b>Deferred UST System Installations (§ 280.11(a))</b>											
Have a corrosion expert inspect the site	0.00	6.00	22.00	11.00	39.00	\$1,187.04	\$0.00	\$467.00	0	0	\$0
Maintain records	0.00	0.00	0.00	0.10	0.10	\$1.93	\$0.00	\$0.14	0	0	\$0
<b>Subtotal</b>										0	\$0
<b>SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$55.86	\$0.00	\$0.00	3,653	3,653	\$204,058
<b>Performance Standards for New UST Systems - Tanks and Piping Without Corrosion Protection (§ 280.20(a),(b))</b>											
Have a corrosion expert inspect the site	0.00	6.00	22.00	11.00	39.00	\$1,187.04	\$0.00	\$467.00	0	0	\$0
Maintain records	0.00	0.00	0.00	0.10	0.10	\$1.93	\$0.00	\$0.14	0	0	\$0
<b>Periodic Lining Inspections (§ 280.21)</b>											
Have the lined tank inspected within ten years after lining and every five years thereafter	0.00	0.00	6.00	0.00	6.00	\$170.22	\$0.00	\$1,580.00	78	468	\$136,517
Maintain records	0.00	0.00	0.00	0.10	0.10	\$1.93	\$0.00	\$0.14	390	39	\$806
<b>Notification Requirements (§ 280.22)</b>											
Prepare and submit forms within 30 days of bringing an UST system into use	0.00	0.50	0.25	0.00	0.75	\$36.34	\$0.00	\$1.91	5,215	3,911	\$199,470
Notify purchaser of an UST of owner's notification obligations	0.00	0.00	0.00	1.00	1.00	\$19.27	\$0.00	\$1.91	57,220	57,220	\$1,211,866
<b>Subtotal</b>										65,291	\$1,752,717

\* Due to rounding, columns may not sum exactly.

**EXHIBIT 1 (continued)**  
**ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>Information Collection Activity</b>											
<i>Manual Tank Gauging Only (without Tank Tightness Testing)</i>											
Record monthly water level measurements, reconcile measurements monthly	0.00	0.00	0.00	0.50	0.50	\$9.63	\$0.00	\$0.00	0	0	\$0
Record weekly tank liquid level measurements	0.00	0.00	0.00	0.05	0.05	\$0.96	\$0.00	\$0.00	0	0	\$0
<i>Automatic Tank Gauging</i>											
Record results of monthly automatic product level monitoring tests	0.00	0.00	0.05	0.00	0.05	\$1.42	\$0.00	\$0.00	0	0	\$0
Record daily inventory volume measurements	0.00	0.00	0.02	0.00	0.02	\$0.57	\$0.00	\$0.00	0	0	\$0
<i>Vapor Monitoring</i>											
Record results of monthly vapor monitoring	0.00	0.00	1.67	0.00	1.67	\$47.38	\$733.00	\$0.00	10,241	17,102	\$7,991,542
<i>Groundwater Monitoring</i>											
Record results of monthly groundwater monitoring	0.00	0.00	1.67	0.00	1.67	\$47.38	\$469.00	\$0.00	10,241	17,102	\$5,288,027
<i>Interstitial Monitoring</i>											
Record results of monthly interstitial monitoring	0.00	0.00	0.60	0.00	0.60	\$17.02	\$384.00	\$0.00	111,007	66,604	\$44,516,296
<i>Alternative Technology</i>											
Prepare and submit a demonstration of the effectiveness of an alternative technology	0.00	2.00	8.00	1.00	11.00	\$363.22	\$0.00	\$5.22	0	0	\$0
<b>Release Detection for Piping (\$280.44)</b>											
Conduct annual test of the operation of the automatic line leak detector in accordance with the manufacturer's requirements	0.00	0.00	0.25	0.00	0.25	\$7.09	\$0.00	\$0.00	466,230	116,558	\$3,306,818
Record results of annual line leak detection test	0.00	0.00	0.05	0.00	0.05	\$1.42	\$0.00	\$0.00	466,230	23,312	\$661,364
Conduct annual line tightness test	0.00	0.00	1.50	0.00	1.50	\$42.56	\$0.00	\$0.00	205,363	308,045	\$8,739,439
Record results of annual line tightness test	0.00	0.00	0.02	0.00	0.02	\$0.57	\$0.00	\$0.00	205,363	4,107	\$116,526
<b>Release Detection Recordkeeping (\$280.45)</b>											
Maintain records for specified time periods	0.00	0.00	0.00	1.00	1.00	\$19.27	\$0.00	\$0.00	204,810	204,810	\$3,946,081
<b>Subtotal</b>										771,941	\$81,507,937
<b>SUBPART E: RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$55.86	\$0.00	\$0.00	3,653	3,653	\$204,058
<b>Reporting of Suspected Releases (\$280.50)</b>											
Gather information - Facility	0.00	1.00	4.00	0.00	5.00	\$171.97	\$0.00	\$2,973.00	10,000	50,000	\$31,449,743
Gather information - Contractor	0.00	5.00	31.00	15.00	51.00	\$1,460.95	\$0.00	\$0.00	10,000	510,000	\$14,609,548
Report the suspected release	0.00	0.25	0.00	0.00	0.25	\$14.62	\$0.00	\$1.91	10,000	2,500	\$165,349
<b>Subtotal</b>										566,153	\$46,428,698

\* Due to rounding, columns may not sum exactly.

**EXHIBIT 1 (continued)**  
**ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$111.72	\$0.00	\$0.00	3,653	7,306	\$408,116
<b>Initial Response (§ 280.61(a))</b>											
Report the confirmed release by telephone or electronic mail	0.00	0.50	0.50	0.00	1.00	\$43.43	\$0.00	\$0.00	6,000	6,000	\$260,587
<b>Initial Abatement Measures Report and Site Check (§ 280.62(a)(b))</b>											
Gather information during initial abatement	0.00	3.00	1.00	0.00	4.00	\$203.85	\$0.00	\$909.00	6,000	24,000	\$6,677,071
Prepare and submit summary report of initial abatement steps - Facility	0.50	1.50	1.00	0.00	3.00	\$170.21	\$0.00	\$371.00	6,000	18,000	\$3,247,249
Prepare and submit summary report of initial abatement steps - Contractor	0.00	4.00	27.00	13.00	44.00	\$1,250.45	\$0.00	\$0.00	6,000	264,000	\$7,502,678
<b>Initial Site Characterization (§ 280.63)</b>											
Gather information for initial site characterization - Facility	0.00	6.00	1.00	0.00	7.00	\$379.32	\$0.00	\$3,512.00	6,000	42,000	\$23,347,918
Gather information for initial site characterization - Contractor	0.00	9.00	54.00	27.00	90.00	\$2,578.65	\$0.00	\$0.00	6,000	540,000	\$15,471,908
Prepare and submit information per instructions	0.50	1.50	1.00	0.00	3.00	\$170.21	\$0.00	\$489.00	6,000	18,000	\$3,955,249
<b>Free Product Removal (§ 280.64)</b>											
Gather information for free product removal report - Facility	0.00	1.50	3.25	0.00	4.75	\$179.94	\$0.00	\$430.00	1,200	5,700	\$731,930
Gather information for free product removal report - Contractor	0.00	6.00	38.00	19.00	63.00	\$1,795.11	\$0.00	\$0.00	1,200	75,600	\$2,154,131
Prepare and submit report	0.50	1.00	0.00	0.00	1.50	\$112.59	\$0.00	\$147.00	1,200	1,800	\$311,510
<b>Investigations for Soil and Groundwater Cleanup (§ 280.65)</b>											
Gather information for investigation report - Facility	0.00	2.00	0.00	0.00	2.00	\$116.98	\$0.00	\$3,342.00	4,500	9,000	\$15,565,423
Gather information for investigation report - Contractor	0.00	10.00	69.00	31.00	110.00	\$3,139.77	\$0.00	\$0.00	4,500	495,000	\$14,128,972
Submit collected information	0.50	0.75	0.00	0.00	1.25	\$97.97	\$0.00	\$434.00	4,500	5,625	\$2,393,860
<b>Corrective Action Plan (§ 280.66)</b>											
Prepare and submit corrective action plan or additional information - Facility	2.00	2.25	0.00	0.00	4.25	\$348.01	\$0.00	\$1,078.00	3,600	15,300	\$5,133,624
Prepare and submit corrective action plan or additional information - Contractor	0.00	20.00	78.00	39.00	137.00	\$4,134.16	\$0.00	\$0.00	3,600	493,200	\$14,882,973
Notify implementing agency of early cleanup	0.00	0.50	0.00	0.00	0.50	\$29.25	\$0.00	\$1.91	360	180	\$11,217
Report results of implementing plan - Facility	2.00	2.75	0.00	0.00	4.75	\$377.25	\$0.00	\$780.00	3,600	17,100	\$4,166,109
Report results of implementing plan - Contractor	0.00	8.00	37.00	19.00	64.00	\$1,883.72	\$0.00	\$0.00	3,600	230,400	\$6,781,398
<b>Subtotal</b>										2,268,211	\$127,131,925

\*Due to rounding, columns may not sum exactly.

**EXHIBIT 1 (concluded)**  
**ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN**  
**TECHNICAL AND FINANCIAL REQUIREMENTS**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>SUBPART G: OUT-OF-SERVICE UST SYSTEMS AND CLOSURE</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.25	0.25	0.50	0.00	1.00	\$55.86	\$0.00	\$0.00	6,028	6,028	\$336,696
<b>Permanent Closure and Change-In-Service Notification (§ 280.71(a))</b>											
Notify the implementing agency of permanent closure or change-in-service	0.00	0.25	0.00	0.00	0.25	\$14.62	\$0.00	\$1.91	16,335	4,084	\$270,097
Conduct site assessment of excavation zone - Facility	0.00	2.75	0.00	0.00	2.75	\$160.85	\$0.00	\$2,727.00	16,335	44,921	\$47,173,056
Conduct site assessment of excavation zone - Contractor	0.00	6.00	40.00	18.00	64.00	\$1,832.58	\$0.00	\$0.00	16,335	1,045,440	\$29,935,255
<b>Closure Records (§ 280.74)</b>											
Maintain records after permanent closure or change-in-service for at least three years	0.00	0.00	0.00	0.10	0.10	\$1.93	\$0.00	\$0.14	16,335	1,634	\$33,760
Mail records to implementing agency if they cannot be maintained on site	0.00	0.00	0.00	0.50	0.50	\$9.63	\$0.00	\$5.22	4,084	2,042	\$60,670
<b>Subtotal</b>										1,104,148	\$77,809,534
<b>SUBPART H: FINANCIAL RESPONSIBILITY</b>											
<b>Reading the Regulations</b>											
Read the regulations	0.50	0.50	1.00	0.00	2.00	\$111.72	\$0.00	\$0.00	3,653	7,306	\$408,116
<b>Cancellation or Nonrenewal by a Provider of Financial Assurance (§ 280.109)</b>											
Prepare and submit a notice of termination of financial assurance	0.25	0.00	0.50	0.25	1.00	\$46.05	\$0.00	\$1.91	4,223	4,223	\$202,547
If necessary, prepare and submit notice of failure to obtain alternative coverage within 60 days	0.00	0.50	1.00	0.25	1.75	\$62.43	\$0.00	\$1.91	422	739	\$27,172
<b>Reporting (§ 280.110)</b>											
Gather and submit forms listed in Section 280.110(a)1 to the implementing agency documenting current evidence of financial responsibility per 289.110(b) as a result of a release	0.00	0.00	0.00	0.25	0.25	\$4.82	\$0.00	\$1.91	6,000	1,500	\$40,372
<b>Recordkeeping (§ 280.111)</b>											
Obtain and keep on file proof of financial responsibility	0.00	0.00	0.25	0.10	0.35	\$9.02	\$0.00	\$0.14	211,144	73,901	\$1,933,951
Update certification if financial assurance mechanism is modified	0.00	0.00	0.50	0.25	0.75	\$19.00	\$0.00	\$0.00	52,786	39,590	\$1,003,047
<b>Bankruptcy or Other Incapacity (§ 280.114)</b>											
Prepare and submit notification of commencement of bankruptcy procedures	0.50	0.25	0.50	0.25	1.50	\$87.73	\$0.00	\$1.91	2,111	3,167	\$189,264
If necessary, prepare and submit notice of inability to obtain alternative coverage within 30 days	0.00	0.50	1.00	0.25	1.75	\$62.43	\$0.00	\$1.91	211	370	\$13,586
<b>Subtotal</b>										130,795	\$3,818,057
<b>TOTAL</b>										5,065,444	\$375,503,976

\* Due to rounding, columns may not sum exactly.



**EXHIBIT 2  
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN  
STATE PROGRAM APPROVAL**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Costs per Activity	O&M Costs/ Activity	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>SUBPART B: COMPONENTS OF A PROGRAM APPLICATION</b>											
<b>Reading the Regulations</b>											
Read the regulations	4.00	8.00	8.00	0.00	20.00	\$1,354.85	\$0.00	\$0.00	1	20	\$1,355
<b>Transmittal Letter (§ 281.20(a))</b>											
Obtain a transmittal letter from the governor's office	1.00	1.00	2.00	1.00	5.00	\$280.83	\$0.00	\$0.00	1	5	\$281
Submit letter to implementing agency	0.00	0.00	0.00	0.10	0.10	\$2.88	\$0.00	\$1.91	1	0.1	\$5
<b>Description of State Program (§ 281.20(b) and § 281.21)</b>											
Prepare and submit description of state program	2.00	8.00	80.00	0.00	90.00	\$4,294.23	\$0.00	\$21.54	1	90	\$4,316
<b>Procedures for Adequate Enforcement (§ 281.22 and § 281.20(c))</b>											
Gather and submit information on compliance monitoring and enforcement procedures	2.00	4.00	40.00	2.00	48.00	\$2,284.00	\$0.00	\$21.54	1	48	\$2,306
<b>Memorandum of Agreement (§ 281.24 and § 281.20(e))</b>											
Negotiate an MOA with EPA	10.00	6.00	15.00	5.00	36.00	\$2,102.14	\$0.00	\$0.00	1	36	\$2,102
Prepare and submit written MOA with application	6.00	6.00	16.00	4.00	32.00	\$1,799.40	\$0.00	\$21.54	1	32	\$1,821
<b>Attorney General's Statement (§ 281.25 and § 281.20(f))</b>											
Draft and submit statement from attorney general	47.00	4.00	40.00	2.00	93.00	\$5,849.54	\$0.00	\$21.54	1	93	\$5,871
<b>Copies of Statutes and Regulations (§ 281.20(g))</b>											
Research and gather statutes and regulations	8.00	0.00	15.00	4.00	27.00	\$1,394.56	\$0.00	\$0.00	1	27	\$1,395
Submit copies as a part of the application to EPA	0.00	0.00	0.00	0.10	0.10	\$2.88	\$0.00	\$21.54	1	0.1	\$24
<b>Subtotal</b>										351	\$19,475
<b>SUBPART D: ADEQUATE ENFORCEMENT AND COMPLIANCE</b>											
<b>Reading the Regulations</b>											
Read the regulations	1.00	1.00	1.00	0.00	3.00	\$208.97	\$0.00	\$0.00	1	3	\$209
<b>Sharing of Information (§ 281.43(a))</b>											
Maintain files and current information on program administration	0.00	5.00	4.00	5.00	14.00	\$749.80	\$0.00	\$0.00	42	588	\$31,492
Submit information to EPA, if requested	0.00	0.00	0.00	0.10	0.10	\$2.88	\$0.00	\$21.54	1	0.1	\$24
<b>Subtotal</b>										591	\$31,725

\* Due to rounding, columns may not sum exactly.

EXHIBIT 2 (concluded)  
ANNUAL ESTIMATED RESPONDENT HOUR AND COST BURDEN  
STATE PROGRAM APPROVAL

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Costs per Activity	O&M Costs/ Activity	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>SUBPART E: APPROVAL PROCEDURES</b>											
<b>Reading the Regulations</b>											
Read the regulations	1.00	2.00	2.00	0.00	5.00	\$338.71	\$0.00	\$0.00	1	5	\$339
<b>Approval Procedures for State Programs (§ 281.50(b))</b>											
Issue public notice of the development of underground storage tank program	0.00	0.50	0.00	0.25	0.75	\$50.56	\$0.00	\$0.00	1	1	\$51
Receive and review public comments	0.00	1.00	4.00	0.00	5.00	\$258.82	\$0.00	\$0.00	1	5	\$259
<b>Revision of Approved State Programs (§ 281.52(a),(b))</b>											
Collect and submit information on changes in regulations or shifts in responsibilities	2.00	10.00	8.00	5.00	25.00	\$1,513.94	\$0.00	\$21.54	0	0	\$0
Prepare and submit revised application, if requested by EPA	4.00	2.00	30.00	6.00	42.00	\$1,954.09	\$0.00	\$21.54	0	0	\$0
<b>Subtotal</b>										11	\$648
<b>SUBPART F: WITHDRAWAL OF APPROVAL OF STATE PROGRAMS</b>											
<b>Reading the Regulations</b>											
Read the regulations	1.00	1.00	2.00	0.00	4.00	\$252.00	\$0.00	\$0.00	0	0	\$0
<b>Procedures for Withdrawal of Approval of State Programs (§ 281.61(a)(1))</b>											
Gather information for program transfer	2.00	2.00	16.00	8.00	28.00	\$1,250.92	\$0.00	\$0.00	0	0	\$0
Prepare and submit transfer notification	0.00	0.50	1.00	1.00	2.50	\$115.21	\$0.00	\$1.91	0	0	\$0
Develop and submit plan for information transfer at least 90 days before the transfer	4.00	2.00	8.00	2.00	16.00	\$892.22	\$0.00	\$21.54	0	0	\$0
<b>Subtotal</b>										0	\$0
<b>TOTAL</b>										953	\$51,848

\* Due to rounding, columns may not sum exactly.

**EXHIBIT 3  
ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN  
UST TECHNICAL AND FINANCIAL REQUIREMENTS**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION</b>											
Review and file notification forms	0.00	0.00	0.50	0.25	0.75	\$31.54	\$0.00	\$0.00	5,215	3,911	\$164,476
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	5,215	521	\$15,332
<b>Subtotal</b>										4,433	\$179,808
<b>SUBPART D: RELEASE DETECTION</b>											
Review demonstration of the effectiveness of an alternative method of release detection	0.00	2.00	8.00	0.00	10.00	\$524.83	\$0.00	\$0.00	0	0	\$0
<b>Subtotal</b>										0	\$0
<b>SUBPART E: RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION</b>											
Review and file information on suspected releases	0.00	0.50	2.00	0.50	3.00	\$145.91	\$0.00	\$0.00	10,000	30,000	\$1,459,100
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	10,000	1,000	\$29,400
Review and file information on confirmed releases	0.00	0.50	2.00	0.50	3.00	\$145.91	\$0.00	\$0.00	6,000	18,000	\$875,460
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	6,000	600	\$17,640
<b>Subtotal</b>										49,600	\$2,381,600

\* Due to rounding, columns may not sum exactly.

**EXHIBIT 3 (continued)**  
**ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN**  
**UST TECHNICAL AND FINANCIAL REQUIREMENTS**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES</b>											
Receive and review initial response report	0.00	0.00	0.50	0.00	0.50	\$24.18	\$0.00	\$0.00	6,000	3,000	\$145,080
Enter information into a database	0.00	0.00	0.00	0.50	0.50	\$14.70	\$0.00	\$0.00	6,000	3,000	\$88,200
Review and file summary report of initial abatement measures	0.00	1.00	4.00	0.25	5.25	\$269.77	\$0.00	\$0.00	6,000	31,500	\$1,618,620
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$7.35	\$0.00	\$0.00	6,000	1,500	\$44,100
Review and file information on initial site characterization	0.00	1.00	4.00	0.25	5.25	\$269.77	\$0.00	\$0.00	6,000	31,500	\$1,618,620
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$7.35	\$0.00	\$0.00	6,000	1,500	\$44,100
Review and file free product removal report	0.00	1.00	4.00	0.25	5.25	\$269.77	\$0.00	\$0.00	1,200	6,300	\$323,724
Enter information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	1,200	120	\$3,528
Review and file soil and groundwater investigation report	0.00	1.00	4.00	0.25	5.25	\$269.77	\$0.00	\$0.00	4,500	23,625	\$1,213,965
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$7.35	\$0.00	\$0.00	4,500	1,125	\$33,075
Review and file corrective action plan	1.00	2.00	8.00	0.25	11.25	\$640.79	\$0.00	\$0.00	3,600	40,500	\$2,306,844
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$7.35	\$0.00	\$0.00	3,600	900	\$26,460
Notify public of the release and the corrective action plan through an appropriate means	0.00	0.00	1.00	0.25	1.25	\$55.72	\$0.00	\$0.00	3,600	4,500	\$200,592
Hold a public hearing and consider comments on the proposed corrective action plan	0.00	2.00	8.00	0.00	10.00	\$524.83	\$0.00	\$0.00	3,600	36,000	\$1,889,388
Notify the owner or operator whether plan is approved or disapproved	0.00	0.25	0.00	0.25	0.50	\$24.59	\$0.00	\$1.91	3,600	1,800	\$95,407
Review and file the report on results of implementing the plan	2.00	4.00	16.00	0.25	22.25	\$1,274.23	\$0.00	\$0.00	3,600	80,100	\$4,587,228
Enter information into a database	0.00	0.00	0.00	0.25	0.25	\$7.35	\$0.00	\$0.00	3,600	900	\$26,460
Give public notice if the approved plan fails to achieve established cleanup levels, and termination of plan is being considered (failure rate of 5 percent)	0.00	0.00	1.00	0.25	1.25	\$55.72	\$0.00	\$0.00	180	225	\$10,030
<b>Subtotal</b>										268,095	\$14,275,421
<b>SUBPART G: OUT-OF-SERVICE UST SYSTEMS AND CLOSURE</b>											
Review and file notification of closure or a change in service	0.00	0.00	0.50	0.25	0.75	\$31.54	\$0.00	\$0.00	16,335	12,251	\$515,206
<b>Subtotal</b>										12,251	\$515,206

\* Due to rounding, columns may not sum exactly.

**EXHIBIT 3 (concluded)**  
**ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN**  
**UST TECHNICAL AND FINANCIAL REQUIREMENTS**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/ Activity	Labor Cost/ Activity	Capital/ Startup Costs per Activity	O&M Costs/ Activity	Number of Respon. or Activ.	Total Hours/ Year	Total Cost/ Year
<b>SUBPART H: FINANCIAL RESPONSIBILITY</b>											
Review and file submitted financial assurance information	0.00	0.00	0.50	0.25	0.75	\$31.54	\$0.00	\$0.00	6,000	4,500	\$189,240
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	6,000	600	\$17,640
Notify owners or operators if they no longer meet financial assurance responsibilities	0.00	0.25	0.00	0.25	0.50	\$24.59	\$0.00	\$1.91	4,223	2,111	\$111,915
Review and file notification of failure to obtain alternative financial assurance due to cancellation or non-renewal of policy	0.00	0.25	1.00	0.25	1.50	\$72.96	\$0.00	\$0.00	422	633	\$30,810
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	422	42	\$1,242
Review and file notification of commencement of bankruptcy procedures	0.00	0.25	1.00	0.25	1.50	\$72.96	\$0.00	\$0.00	2,111	3,167	\$154,051
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	2,111	211	\$6,208
Review and file notification of failure to obtain alternative financial assurance due to bankruptcy	0.00	0.25	1.00	0.25	1.50	\$72.96	\$0.00	\$0.00	211	317	\$15,405
Enter financial assurance information into a database	0.00	0.00	0.00	0.10	0.10	\$2.94	\$0.00	\$0.00	211	21	\$621
<b>Subtotal</b>										11,603	\$527,131
<b>TOTAL</b>										345,982	\$17,879,166

\* Due to rounding, columns may not sum exactly.

**EXHIBIT 4  
ANNUAL ESTIMATED AGENCY HOUR AND COST BURDEN  
STATE PROGRAM APPROVAL**

Information Collection Activity	Hours and Costs per Respondent per Activity								Total Hours and Costs		
	Legal Hours	Managerial Hours	Technical Hours	Clerical Hours	Respon. Hours/Activity	Labor Cost/Activity	Capital/Startup Costs per Activity	O&M Costs/Activity	Number of Respon. or Activ.	Total Hours/Year	Total Cost/Year
<b>SUBPART B: COMPONENTS OF A PROGRAM APPLICATION</b>											
Examine state program application and notify the state whether the application is complete	0.00	1.00	4.00	0.00	5.00	\$262.42	\$0.00	\$0.00	1	5	\$262
Review the complete state program application and tentatively determine approval or disapproval for state program	8.00	16.00	40.00	0.00	64.00	\$3,906.69	\$0.00	\$0.00	1	64	\$3,907
Issue public notice of the tentative decision	0.00	0.50	0.00	0.25	0.75	\$41.82	\$0.00	\$0.00	1	1	\$42
Receive and review public comments	0.00	1.00	4.00	0.00	5.00	\$262.42	\$0.00	\$0.00	1	5	\$262
Conduct public hearing, if necessary	0.00	2.00	2.00	0.00	4.00	\$234.62	\$0.00	\$0.00	1	4	\$235
Make a final decision on approval or disapproval for a state program	0.00	1.00	4.00	0.00	5.00	\$262.42	\$0.00	\$0.00	1	5	\$262
Issue notice of the final decision	0.00	0.50	0.00	0.25	0.75	\$41.82	\$0.00	\$0.00	1	1	\$42
<b>Subtotal</b>										85	\$5,012
<b>SUBPART E: APPROVAL PROCEDURES</b>											
Review the revision of approved state program and tentatively determine approval or disapproval	2.00	4.00	10.00	0.00	16.00	\$976.67	\$0.00	\$0.00	0	0	\$0
Issue public notice of the tentative decision	0.00	0.50	0.00	0.25	0.75	\$41.82	\$0.00	\$0.00	0	0	\$0
Notify state if decision receives negative public comment and either withdraw the decision or respond to the negative public comments	0.00	1.00	4.00	0.25	5.25	\$269.77	\$0.00	\$1.91	0	0	\$0
<b>Subtotal</b>										0	\$0
<b>SUBPART F: WITHDRAWAL OF APPROVAL OF STATE PROGRAMS</b>											
Review and file transfer notification and plan	1.00	2.00	8.00	0.25	11.25	\$640.79	\$0.00	\$0.00	0	0	\$0
Publish notice of the transfer	0.00	0.50	0.00	0.25	0.75	\$41.82	\$0.00	\$0.00	0	0	\$0
Conduct withdrawal proceedings in accordance with 40 CFR §271.23(b) and (c)	2.00	4.00	16.00	0.00	22.00	\$1,266.88	\$0.00	\$0.00	0	0	\$0
<b>Subtotal</b>										0	\$0
<b>TOTAL</b>										85	\$5,012

\* Due to rounding, columns may not sum exactly.

## 6(e) Bottom Line Burden Hours and Cost

### (1) Respondent Tally

Exhibit 5 summarizes the total annual hour and cost burden to UST owners and operators and to states (as respondents seeking program approval). As shown in the exhibit, EPA estimates the annual respondent burden to be approximately 5 million hours and \$376 million. The bottom line burden to respondents over three years is estimated to be approximately 15 million hours and \$1.1 billion.

**EXHIBIT 5  
TOTAL ESTIMATED ANNUAL RESPONDENT HOUR AND COST BURDEN SUMMARY**

Information Collection Activity	Total Hours/Year	Labor Cost	Capital/Startup Cost	O & M Cost	Total Cost/Year
Technical and Financial Requirements	5,065,444	\$152,072,573	\$54,935,878	\$168,495,526	\$375,503,976
State Program Approval	953	\$51,717	\$0	\$131	\$51,848
<b>TOTAL</b>	<b>5,066,397</b>	<b>\$152,124,290</b>	<b>\$54,935,878</b>	<b>\$168,495,657</b>	<b>\$375,555,824</b>

\* Due to rounding, figures may not sum exactly.

### Combined ICR Respondent Burden

ICR	Respondents	Responses	Total Hours/Year	Capital/Startup Cost and O&M Costs	Total Cost/Year
<b>ICR 1360 Private</b>	211,144	348,226	5,065,444	\$223,431,403	\$375,503,976
<b>ICR 1360 States</b>	42	49	953	131	\$51,848
<b>ICR 2405 (Region IX)</b>	500	500	2,500	\$4,025	\$29,025
<b>Total</b>	<b>211,686</b>	<b>348,775</b>	<b>5,068,897</b>	<b>\$223,435,559</b>	<b>\$375,584,849</b>

### (2) Agency Tally

Exhibit 6 summarizes the total annual Agency hour and cost burden associated with all of the requirements covered in this ICR. As shown in the exhibit, EPA estimates the annual Agency burden to be approximately 346,000 hours and \$18 million. The bottom line burden to the Agency over three years is estimated to be approximately 1.0 million hours and \$54 million.

**EXHIBIT 6  
TOTAL ESTIMATED ANNUAL AGENCY HOUR AND COST BURDEN SUMMARY**

Information Collection Activity	Total Hours/Year	Labor Cost	Capital/Startup Cost	O & M Cost	Total Cost/Year
Technical and Financial Requirements	345,982	\$17,864,209	\$0	\$14,957	\$17,879,166
State Program Approval	85	\$5,012	\$0	\$0	\$5,012
<b>TOTAL</b>	<b>346,067</b>	<b>\$17,869,221</b>	<b>\$0</b>	<b>\$14,957</b>	<b>\$17,884,178</b>

\* Due to rounding, figures may not sum exactly.

### Combined ICR Burden – Annual Agency

ICR	Hours per Year	Labor Cost	Capital/Startup	O&M	Total Cost/Year
<b>ICR 1360</b>	<b>346,067</b>	<b>\$17,869,221</b>	<b>\$0</b>	<b>\$14,957</b>	<b>\$17,884,178</b>

ICR 2405 (Region IX)	125	\$5,986.25	\$0	\$0	\$5,986.25
<b>Total</b>	<b>346,192</b>	<b>\$17,875,207</b>	<b>\$0</b>	<b>\$14,957</b>	<b>\$17,890,164</b>

### **6(f) Reasons for Change in Burden**

This ICR presents a comprehensive description of the total annual respondent burden for all information collection activities related to the UST program. In renewing this ICR, EPA has updated its respondent universe and burden estimates based on updated data from the Office of Underground Storage Tanks (OUST) and the regulated community. EPA also slightly reduced the burden associated with notification requirements. Because of these changes, the total annual time burden to respondents has decreased 25 percent (1,684,661 hours) from the previous ICR (from 6,753,558 hours per year to 5,068,897 hours per year).

	Previously Approved	Change	Requested
Responses	478,853	-130,078	348,775
Hours	6,753,558	-1,684,661	5,068,897
Cost	279,652,536	-56,216,977	223,435,559

The 2014 ICR has fewer burden hours than the 2011 ICR largely due to smaller estimates of the numbers of existing USTs, new USTs installed, new facilities, USTs closed, and suspected and confirmed releases. The updated estimates are based on EPA's UST performance measure reports and historical tank release records maintained by EPA.

### **6(g) Burden Statement**

Exhibit 7 presents the average annual respondent time burden for each UST facility and for each state that has a federally approved UST program or will apply for program approval. For UST facilities, as shown in the exhibit, the estimated total average time burden for conducting the activities covered in this ICR is approximately 24 hours per respondent annually. Of this total, the reporting burden is estimated to average 13 hours per respondent per year. This estimate includes time for preparing and submitting notices, preparing and submitting demonstrations and applications, reporting releases, gathering information, and preparing and submitting reports. The estimated average recordkeeping burden for UST facilities is 10 hours per respondent per year. This estimate includes time for gathering information and for developing and maintaining records. The burden for third-party disclosure is estimated to average 0.3 hours per respondent per year. This estimate includes time to notify an UST purchaser of the owner's notification obligations.



**EXHIBIT 7  
TOTAL AVERAGE ANNUAL RESPONDENT BURDEN**

<b>Information Collection Activity</b>	<b>Average Reporting Burden (Hours)</b>	<b>Average Recordkeeping Burden (Hours)</b>	<b>Average Third Party Disclosure Burden (Hours)</b>	<b>Total Average Burden (Hours)</b>
Technical and Financial Requirements	13.47	10.25	0.27	23.99
State Program Approval	8.03	14.67	0.00	22.69

For states applying for program approval and for states with approved programs, the estimated total average time burden is approximately 23 hours per state annually. The estimated average reporting burden is approximately eight hours per respondent per year. This estimate includes time for preparing and submitting an application and associated information. The estimated average recordkeeping burden is approximately 15 hours per respondent per year. This estimate includes time for maintaining application files.

**Burden Statement:** The annual public reporting and recordkeeping burden for this collection of information is estimated to average 15 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-UST-2010-0625, which is available for online viewing at [www.regulations.gov](http://www.regulations.gov), or in person at the UST Docket in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is 202 566-1744 and the telephone number for the UST Docket is 202 566-0270. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID Number EPA-HQ-UST-2010-0625 and OMB Control Number 2050-0068 in any correspondence.

